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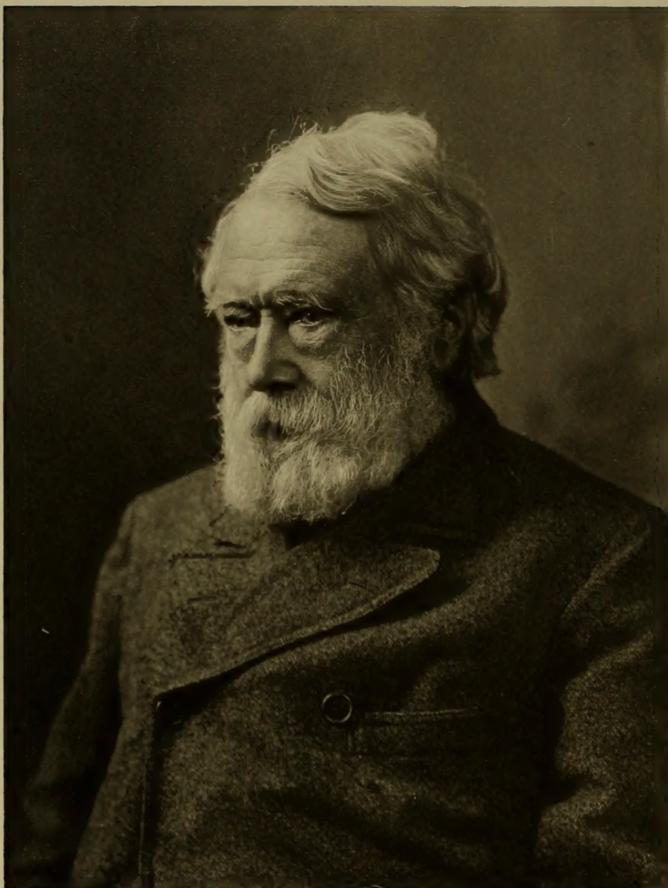
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SCOTTISH HISTORY SOCIETY

VOLUME LX

DE UNIONE REGNORUM BRITANNIÆ TRACTATUS

November 1909



Ever yours

David Masson.

DE UNIONE REGNORUM BRITANNIÆ TRACTATUS

BY SIR THOMAS CRAIG

Edited from the Manuscript in the Advocates' Library, with a Translation and Notes, by

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NOTE

It was originally arranged that the late Professor Masson should edit Craig's *De Unione Regnorum*, and he was greatly interested in the work. Although the editing passed eventually into another hand, the Council were of opinion that the insertion of a portrait of Professor Masson, who had been Chairman of Council of the Scottish History Society from its inception to his death, would be welcomed by the Members.

PREFACE

It is curious that Sir Thomas Craig's *De Unione Regnorum Britanniæ Tractatus* should have waited until after the three hundredth anniversary of its author's death before appearing in print. The manuscript of the *Tractatus* is in the Advocates' Library; but the Catalogue throws no light on the history of the work, the description of which is very brief, and, as the Keeper tells me, apparently in Cosmo Innes's hand. On the last page of the manuscript, however, the following note appears: 'Kal: Januarii MDCXC. Hunc libellum propria manu correxit et multis in Locis supplevit ex Autographo & Exemplari MS. Christophori Irvini M.D. cujus autor est D. Thomas Craig Advocatus, qui ipse unioni interfuit, quod mihi Legenti patet, W. A., J. C.' Christopher Irvine was a well-known physician and antiquary in Edinburgh in the last quarter of the seventeenth century, and his copy of Craig's work supplied the corrections and additions made by W. A., J. C. in 1690, shortly after Irvine's death. From the Roll of Advocates, Dr. Maitland Thomson has been able to identify W. A., *J. C.*, as William Aikman of Cairnie, who was admitted Advocate in 1672 and died in 1699.

The *Tractatus*, or the major part of it, was written by Craig in 1605. On June 11, 1604, he had been appointed one of the Scottish Commissioners to discuss in London with those of England the closer political union which James's recent accession to the English throne encouraged him to press. Craig signed the Articles of Union agreed upon by the Commissioners on December 6, 1604, and must

have begun to write, or possibly to continue, the *Tractatus* immediately after his return to Scotland. The importance of the work consists in the fact that it is the only detailed argument which we possess for union from the Scottish side. At the same time, it must no more be regarded as an index to the convictions of the average Scotsman of the period than were the views of Bacon typical of English sentiment on the matter. Indeed Craig's statement of the reason which impelled him to undertake the work is eloquent of Scotland's indifference or disinclination to a union for which public opinion neither in England nor in Scotland was then educated.

While I can but be gratified that a work originally entrusted to the riper learning of the late Historiographer-Royal should have been committed to me after his lamented death, I regret that the volume is inevitably robbed of much of its interest and value. Professor Masson was unable even to make a beginning on the treatise.

I cannot adequately express my obligation to Dr. Maitland Thomson. He has minutely collated the Latin text with the manuscript in the Advocates' Library, and has indicated by a [*sic*] inaccuracies in the original. To him the minute accuracy of the Latin text is entirely due, and I have to thank him further for his ready assent to my request that he would contribute a note on the manuscript. I also gratefully express my acknowledgments to Mr. J. T. Clark for much labour expended in revising the transcript of the *Tractatus*, originally made for Professor Masson; to my colleague, Professor Mercer Irvine, K.C., for reading the proof-sheets of Chapter VI.; to Mr. John Fraser, of this University, who has read the proof-sheets of my translation; and to Miss Eleanor Arnott, who has prepared the Index.

C. SANFORD TERRY.

KING'S COLLEGE, OLD ABERDEEN,
May 9th, 1909.

NOTE ON THE MANUSCRIPT

By J. Maitland Thomson, LL.D.

The only known manuscript of Craig's *De Unione* is in the Advocates' Library, Edinburgh (Press Mark 25.4.3). It measures $11\frac{3}{4}$ by $7\frac{1}{4}$ inches, and consists of 264 pages, written in a copperplate hand. Cap. 1 begins with an ornamental capital.

The exemplar must have been sometimes difficult to decipher; many words and passages are left blank, and clerical errors abound. Some words, mostly proper names, are filled in, and the more obvious mistakes obelized and sometimes corrected, by the original scribe or in a hand closely resembling his. Most of the remaining omissions are supplied, and the references and other marginal notes added, by the author of the docquet printed in the Preface. The supplied passages are sometimes cramped and full of contractions owing to the space left for them having been insufficient; and the standard of correctness is certainly not higher in these additions—a list of which is appended to this Note—than in the body of the manuscript.

The writer of the docquet, and therefore of the additions, signs himself 'W. A., J. C.' Obviously 'J. C.' stands for *Juris Consultus*; and on 1 January 1690 the only member of the Faculty of Advocates bearing the initials W. A. was William Aikman of Cairnie near Arbroath, Sheriff-Depute of Forfarshire, admitted Advocate 1672, died 1699, father of the celebrated portrait-painter. For further particulars see Nisbet's *Heraldic Plates*, p. 22. It would have been more satisfactory if the handwriting could by

comparison have been identified as his. For this purpose—Aikman's second wife having been Margaret Clerk, sister of the first baronet of Penicuik—I by Sir George Clerk's kind permission made a search among the Penicuik papers, but found only a single signature, not sufficiently characterised to be decisive on the point.

Lists of Words and Passages supplied by W. A.

PAGE.	LINE.	
8.	19-20.	ob summum—perpetratum.
11.	17-8.	Scotorum—opera.
14.	6-7.	quæ tandem — erumperant.
47.	9.	Diva Elizabetha.
47.	13.	Divæ Elizabethæ.
47.	34.	Divæ Elizabethæ.
49.	34-5.	Quod secundum—nihil opus.
50.	4.	penitiꝰ.
51.	2.	Diva Elizabetha.
51.	4.	Divæ Elizabethæ.
54.	14-7.	Rex Franciæ—inauguratus fuit.
54.	34.	Divæ Elizabethæ.
69.	31.	Gavelkynd.
75.	33.	in Lib.—Angliæ.
83.	1.	voluerit—habet.
89.	35-6.	Disrationari, Essoniare.
91.	16.	Fullerus.
91.	16-20.	in tertia—macrorum Incrementum.
94.	24.	questui.
105.	28-32.	sane cum equitate—incōmodum.
107.	32-4.	Piggitus — sterilissimam.
110.	10-2	of cap. 8. lancinant—etiam videamꝫ.
111.	16-7.	licet plerisque—virtute cederent.
111.	22.	fortunis.

PAGE.	LINE.	
112.	1-4.	proinde cum—inserebant, nam.
112.	7-9.	et proinde—conjecture erit.
112.	15-31.	sed hos omnes—traducebamꝫ.
112.	31.	sive invidie sive.
113.	3.	et justa—spes est, et.
115.	10-3.	si locus—enumeratos.
116.	14-5.	(W. A. gives a different reading of the Hebrew.)
118.	5-6.	preterquam — acatalecticus.
118.	8-9.	deutissime Legiones.
119.	11.	geminum—sepissime.
119.	12-3.	etiam efferunt.
119.	23.	Silures.
119.	28.	aculeatis.
121.	37	to 122, line 12. In hac Scotorum — colligitur.
122.	19.	exarserant orta.
122.	35-8.	Scoti sane — primi nominis.
123.	9.	Scoti duobus—imbuti.
123.	12.	Servanus.
123.	13.	Ternanus.
123.	30.	pius docuit.
124.	7.	Luxouiense.
125.	7.	Exinde.
125.	16.	Hydosa.
125.	21.	Fursei.

PAGE.	LINE.	
127.	9.	Lindisfarnensi.
127.	14.	Lindisfarnensis.
127.	23.	in Patres.
128.	11.	Lindisfarnensi.
128.	31.	quam—introducere.
131.	4.	Lumina Divorum.
131.	5.	unus.
132.	13-4.	plerique etiam—designarentȝ.
132.	21-30.	mir7 sane — Laudare videar.
133.	13-25.	in universum—aspergere.
134.	2.	Zozimo.
134.	36-8.	quod nomen—Hieronimus.
136.	2-4.	ante annos—humanissimam Septem.
136.	19-22.	Cesarem — Carnium neminem.
136.	26.	Critognati.
137.	7.	Prolatione.
137.	9.	Hieromiam.
137.	27.	neque—adhuc.
138.	22.	sugillat.
138.	26.	Genti—diluerem.
138.	31.	Nævos.
140.	10.	Procerum.
141.	26.	collimanti.

PAGE.	LINE.	
143.	30-1.	usque adeo.
144.	18.	Oruiseldam ; and Frasila.
147.	1.	et gravissimis—onerassent.
147.	6.	Caredocus—scriptor.
147.	14.	usq adeo.
152.	28.	sartæ.
157.	25-8.	Scotiam omnium—infertilior.
157.	28.	usque adeo.
158.	11-25.	nemo cordatus—segetesque virorum.
166.	11-9.	Simile humanitatis—Longius Distaret.
166.	31-2.	sed recurre—Namurci.
171.	1.	vosmet.
172.	35-8.	Nulla salus—salutem.
173.	8 to 174, line 10.	quale spectaculum —φλέγονται.
179.	31-2.	annona—Idiomate.
189.	19.	Livinio.
195.	4.	Octavo.
195.	5.	Avignione.
195.	33.	Privernatum.
196.	1.	Volumnius.
196.	27-30.	et Britonibus—intacta.
201.	1.	cuivis.

CONTENTS

Translation

DE UNIONE REGNORUM BRITANNIÆ TRACTATUS

Omnium calamitatum quæ unquam Brittaniæ acciderant occasionem ex πολυκοιρανια sive plurium in ea imperio natam.

CAP: 1um

Quod universæ Britanniæ omnibusq; eam habitantibus bene et feliciter vertat, illa toties optata, et expetita Angliæ et Scotiæ Unio, Dei optimi maximi beneficio, et auspitiis Augustissimi principis Iacobi, Immo et omnium ordinum suffragiis confirmata est. Quod si ullum fuit unquam tempus, quo Britannia de rerum successu sibi merito gratulari potuit, hoc illud est quod, nuper contigit, aut certe quando illud eventurum Cogitatione nemo consequetur, nam quæ hactenus tot miseriis agitata, tot bellis civilibus conflictata, tot intestinis seditionibus convulsa fuit, hodie si suam felicitatem agnoverit ex omnibus miseriis, et calamitatibus videtur emersisse, et in optatissima felicitatis, et securitatis statione conquiescere. Ut qui longa navigatione et tempestatibus pulsati, si desideratum tandem portum nanciscantur, lubenter in eo vela subducunt, et ejus tranquillitati se credunt, sed segnius homines bona quam mala sentiunt, adeo ut ne advenientem gratiam benigne solent [*sic*] accipere, nedum ut præteritæ satis sint memores. Habebant vicini omnes in augustissimæ Reginæ Elizabethæ fata, intentos oculos, et maximos motus in insula expectabant, præcipue multi quibus nulla ex honesto spes, et qui publica mala in occasionem tracturi videbantur et partes facturi si commodi spes illuxisset saltem fortunam in consilio habituri, et aliorum calamitates in

felicisimus hodie Britanniæ status.

fol. 2.

suam occasionem versuri, Sed tanta erat eorum qui Regii erant consilii in Anglia potentes, cum æquitate conjuncta prudentia, ne nobilissima insula, aut externæ injuriæ, aut intestinis tumultibus esset opportuna: (sollicitis jam omnibus, et civibus, et vicinis tantarum rerum expectatione,) ut quam celerrime et sine dilatione eum renunciarunt Regem et Dominum, cui jure optimo, id est tam Divino, quam naturali, civili, et municipali successio debebatur. Vicit itaq; illorum sapientia aliorum importuna consilia, et ne ulli ex Britanniæ calamitatibus crescendi occasio præberetur, cavit diligenter. Nulla pars orbis terrarum ob soli benignitatem et rerum omnium abundantiam, sæpius quam Anglia, externis irruptionibus petita est, aliquoties etiam occupata, vere tamen hoc mihi videor dicturus omnium quæ unquam in Britannia contigerant, malorum occasionem præbuisse, ejus in plura Regna distractionem, et Regum in ea multitudinem; Id ut manifestum cunctis sit, rerum Britannicarum mutationes, et status, ab ipsis initiis, quorum memoria literis obsignata est, Repetam. Sunt enim preteritorum exempla tristia quidem ad recordationem, ad similia tamen in futurum præcavenda documenta sæpe utilia.

Tota Britannia nunq^m antea sub uno Rege. *fol. 3.*

Nunquam ante hæc tempora tota Britanniæ ab uno Rege, seu domino Regnata est, nam nascentis Britanniæ initia, Caligine sunt obducta, et omni veteris historiæ luce destituta, ut maximorum fluminum ortus, sive fontes sæpe incogniti; Et Nili celeberimi totius habitabilis orbis fluvii, caput veteribus ignotum fuit, Testatur Plutarchus, ante Thesei tempora Historiam Greciæ (quæ tamen, et rerum gestarum gloria et scriptorum multitudine, claruit) meris tenebris involutam. Hæc, ne quis me antiquas Britannorum Historias putet hoc scripto vellicare, quod si qui sint qui Historiam illam Bruti ut rem gestam sequuntur, nulli vim facio, Dummodo mecum sentiant, pravo consillio inductum Brutum, ut inter tres filios, Insulæ imperium divideret, adjudicata reliquarum partium superioritate primogenito Locrino: quot enim inde clades, quot bella civilia eruperunt, horror est meminisse; immo nihil probabile, hæc Bruti divisio habet, cum superioritatis, aut directi dominii nomina, orbi non innotuerant ante Longobardorum tempora, pene bis mille post Brutum annis.

Plutarchus in Theseo.

Sed consideremus quis verus fuerat Britanniæ ab initio status, quatenus ex literarum monumentis potest colligi. Britanniam Pluribus Regibus paruisse manifeste constat ex Cæsare dictatore, qui bis eam cum exercitu ingressus est; in prima expeditione etiam apud charissimos amicos, qui Romæ erant adversæ pugnæ fama laborabat, ut tam ex Cicerone ipso constat, quam ex illo Lucani. Britanniam ante Cæsaris adventum non uni paruisse.

Territa quesitis ostendit terga Britannis.

Immo pleriq; Romanorum scriptores nihil magnum, neq; prima expeditione, neq; secunda, actum putant, Tibullus qui Augusti tempore vixerat, de Britannia loquens sic scribit.

Te manet invictus Romano Marte Britannus.

Invictos tum vocat Britannos, nunquam id scripturus, si a Cæsare victi et subjugati fuissent.

Sed clarius Seneca in Octavia, Act 2[d]. *fol. 4.*

Teq; extinxit, miserande Pater,
Modo cui totus Paruit orbis
Ultra Oceanum
Cuiq; Britanni terga dedere,
Ducibus nostris ante ignoti
Jurisq; sui.

Hic Britannos, non solum sui juris, ad tempora Claudii, sed pene Romanis tum incognitos ait, Sed clarius postea.

En qui Britannis primus imposuit Jugum,
Ignota tantis classibus texit freta
Et sæva maria, conjugis scelere occidit,
Mox illa gnati, cujus extinctus Jacet
Frater venenus [*sic*].

Non obscure Claudium Cæsarem primum fuisse, qui Britannos domuit, innuit; quod quo-modo cum Cæsaris dictatoris scriptis conveniat non video, Immo ipse Cicero Quinti fratris, Literis (qui Cæsaris in Gallia et Britannia legatus erat) se cognovisse, scribit; nihil esse ex Britannia, nec quod metuerent, nec cur gaudeant, fidem hæc possunt alicui facere, non plenam fuisse Cæsaris in Britannia victoriam; neq; quantum ipse testatur; Beda sane antiquissimus rerum Britannicarum scriptor adversam fuisse Cæsaris primam cum Lib. 3: Epist. ad Q. fratrem.

Lib. 1, Cap. 2. Britannis pugnam in sua historia reliquit. Ut tamen ad institutum redeamus, constat ex ipso Cæsare quem merito Tacitus summum autorum vocat, ante suum adventum, penes plures Reges Britanniæ administrationem fuisse; nam quatuor Regum in solo Cantio meminit, quæ non magna Britanniæ portio est, et antequam in insulam trajiceret, a compluribus civitatibus Legati ad illum, dum in Gallia adhuc esset, venerant, qui nomine suarum civitatum obsides obferebant, et Romanorum Imperio se parituros spondebant, quod si tum unus fuisset totius insulæ Rex, nec ea licuissent, neq; vere-

fol. 5. simile est Britannos ea ob Regis sui timorem ausuros, et Trinobantium Civitatem earum Regionum vocat Cæsar firmissimam, ex qua Mandubratius Adolescens ad eum in Galliam confugerat, cujus patrem Imanuentium Regnum In ea civitate obtinuisse et interfectum a Cassivelano scribit; at ea civitas imperata Cæsaris facere promittebat, et ut Mandubratium ad eos remitteret, qui ei præsit, et ut eum a vi Cassivelani tueretur Cæsarem Rogabat, Itaq; ea tum fuit conditio Britanniæ ut singulis civitatibus sui essent Reges, immo inter se capitalibus odiis, dissidentes, et in vicinorum exitium efferati, quorum alii amicitiam Romanorum ut hostes ulciscerentur ambiebant, alii quamcunq; fortunam subeundam maluerant, quam voluntariam sub Romanis servitutem; Discordia intestina omnia facit, invadentibus opportuna: Cæsar sane in priore expeditione, Cassivelani non meminit, quia si occurrisset, non est verisimile Cæsarem voluisse ejus nomen supprimere, nam ad ejus gloriam (cujus avidissimus erat) potius accedebat, cum magnanimo rege, quam cum incondita multitudine, dimicare; quæ sine duce, sine signis, sine imperio, aut Disciplina militari pugnabat, et tantum fugientes, et e Silvis rursus exeuntes, non conferti sed disjuncti, magnis intervallis, hostem velitando, Lacessebat. In secunda expeditione licet Cassivelani mentionem fecerit, nomen tamen Regis ei non tribuit, ut neq; post eum Beda, ducem tantum vocat, illius exercitus, qui contra Cæsarem pugnabat, immo continentia ei bella cum finitimis Regibus fuisse, memorat, sed audito Cæsaris adventu, toti bello et ejus administrandi rationibus a cæteris præfectum; non ergo jure Regis antea toti exercitui præerat, sed tantum communi consilio a reliquis

ei præfectus. Itaq̧ dum inter se Reges Britanniæ Distrahuntur, et alii obsides, alii tributum et imperata facere promittunt, Securitatem Libertati præferentes, omnes vincuntur et insulam dictatori apperuerunt: cum alioqui in ea infinitam hominum multitudinem fuisse, testetur Cæsar, Duabusq̧ legionibus vix integris nunquam eam fuisse aggressum, si sub unius tum imperio fuisset; sed hæc omnia ex Tacito clariora sunt, quam ut in dubium vocentur, sic enim illæ olim Britanni Regibus parebant, nunc per principes factionibus et studiis trahuntur, nec aliud adversus validissimas gentes utilius, quam quod in commune non consulant: rarus duabus aut tribus civitatibus ad propulsandum commune periculum consensus, ita dum singuli pugnant omnes vincuntur, quod si quis tum unus fuisset Rex totius insulæ, si aliquod publicum consilium, universi pugnassent, non singuli, sed aliam tum fuisse Britannorum conditionem verisimile non est, quam vicinarum gentium; in Gallia tot Reges quot provincias fuisse ex Cæsare manifestum, Idem in Hispania ex Livio, in Germania plures Reges fuisse Tacitus autor gravissimus tradit, Novem Reges fuisse narrat Vopiscus, qui ad probum Cæsarem convenerant, in Illyrio quinq̧ erant, In Græcia septuaginta, qui in bellum Trojanum conspiraverant, et Hiberniam pluribus Regibus paruisse suo tempore Idem Tacitus refert, et Henricus 2dus cum eam occuparet, plures Reges ibi offendit et proinde facilius eam in suam redegit potestatem; ut ex Anglorum annalibus constat. Manifestum itaq̧ est per hanc virium Britannicarum, in plures partes distractionem seu verius dissipationem, aditum Romanis, Britanniam invadendi, patefactum, facillimamq̧ ex pluribus Regibus fuisse Victoriam; cum enim singuli se tanto bello sustinendo pares falso putarent, omnes successive vincebantur, sed Cæsarem potius Britanniam Romanis ostendisse scribit Tacitus quam subegisse. Nam eo ex insula discendente, nulla Britannicæ Provinciæ, apud Romanos scriptores, nulla legati aut proconsulis, toto hoc tempore in Eam missi, nulla tributorum mentio, neq̧ ea vel ab Augusto, vel Tiberio tentata; sed verisimile est eam nullis armis Lacessitam, sui juris permansisse; nisi quod apud Strabonem Legitur, Augustum contentum fuisse amicitiam cum Britannis colere, et tributi Loco, nescio quid minutarum rerum solitum accipere, Sic ergo toto

Prima Britanniæ Calamitas.

fol. 6.

In vita Agricolæ.

De moribus Germanorum.

Libr. 4to.

fol. 7. Augusti tempore, amicitia inter eum et Britannos sincere culta est, quod et Tiberius post eum observavit, qui omnia Augusti dicta et facta pro oraculis habebat ut ait Tacitus. Claudius Britanniam tentavit, et regiones aliquot, ab eo domitas et captos Reges tradit Tacitus, et post Orcadum Regem in triumphum ductum, Britannici nomen induit; Britannia ab eo tempore a Romanis legatis administrata est, et tributa pendebat, sed neq; sub Romanorum imperio res quietæ erant, nam Neronis tempore, septuaginta millia Romanorum civium a Britannis Duce Voadicia (quam Dion Bunduicum vocat) cæsa sunt, cum tantum Britannorum pars in armis esset, et tum rebellasset, in cujus rei ultionem excitatus Paulinus Suetonius, octuaginta Britannorum millia interfecit, Rursus ex Severi exercitu dum Caledonios frustra tentaret quinginta millia desiderata, immo Severum ipsum (quem in Britannia obiisse satis constat) a Fulgentio Britonum duce adjunctis Scotis et Pictis interfectum testatur Westmonasteriensis Anglus Scriptor; alii etiam a solis Scotis, et Pictis Dum Eboracum obsideret ut prætercam ea, quæ cum Garataco et Gatal[co], Regibus prælia gesta sunt. Interea Romani rerum suarum satagentes, ne cum tota Britannia Luctari sibi necesse esset, quosdam Reges sub amicitiæ prætextu semper coluerunt; Nam Cogidunus Rex fidelissimus populo Romano fuit semper, ut Tacitus ait, et Prasitagus Icenorum Rex, Cæsarem, dum vixit, coluit, et moriens etiam heredem scripsit; sic Romani legati, sive proconsules (nam Britannia proconsularis erat provincia) cum suæ provinciæ tempore, alios præmiis et beneficiis continerent, alios singulos aggrediebantur; ut aliquam nominis, et dignitatis existimationem sibi compararent; nunc Brigantum, nunc Silurum, nunc Caledoniorum, et Ordouicorum et Trinobantum Reges; et dum nemo alium vel opera, vel consilio juvaret, universa Australis Britannia jugum accepit; insigne documentum mortalibus verissimum esse, quod a Domino dictum est, omne Regnum in se divisum desolationi obnoxium, sane sub Romanorum imperio Britanni ut primum literas et artes acceperunt, ita (ut ait Tacitus,) delicatius vivendi genus, et conviviorum elegantiam didicerunt, Quam humanitatem vocant, qua nulla in Regnis pestis esse potest acerbior, toto pene tempore, quo

In vita Agricolæ.

Foxius in Historia Martyrum.

fol. 8.

Britannia erat provincia, nisi cædes, et lanienas; et torrentum instar humani sanguinis rivulos, nemo inveniet, cum occasionem ut dixi, regum multitudo præbuit An vero eo tempore, quo Britannia Romanorum fuit provincia quod quadragintorum et nonaginta annorum circiter fuerat (si a dictatoris Cæsaris primo ingressu calculum ineamus, alii ex eo numero viginti annos demunt) Reges in ea fuerunt saltem cum imperio, viderint illi, qui illud asserunt, mihi sane verisimile non videtur ut legati sive Romani proconsulis autoritas simul cum Regia potestate staret; nam aut huic aut illi parendum erat, et alterius jurisdictionis assertio, alterius erat sublatio: ut logici loquuntur, et hæc erat prima Britanniæ calamitas, sub imperio Romanorum, cujus acerbitatem ita describit Gildas, ut legentium animi horrore impleantur, cujus nulla alia tum fuit causa aut occasio, quam plurium in insula potentissima imperium.

Secunda calamitas a Scotis et Pictis orta, ut tempore quidem brevior (triginta enim annos, aut ad summum quadraginta duraverat) sic nec tam atrox ea fuit calamitas, quippe in eos solos sevitum est, qui Romano parebant Imperio, nam sub occasum Romani Imperii, Britanniam qua provincia fuit præde relictam, et omni præsidii et auxilii spe destitutam (Dominis sic de administratione ambigentibus, aut inter se contendentibus) Scoti et Picti cernentes, et in partem præde quasi acciti, eam suæ injuriæ opportunam rati, atrocissimo bello invaserant, a fine ad terminum ut ait Gildas diripientes, sedes ibi ponere destinabant, Britanniam hic intelligo tantummodo meridionalem ejus partem, et quatenus provincia Romana fuerat, et muro illo notissimo inclusa; sic enim apud Bedam et alios vetustissimos Anglorum Scriptores, ea pars quæ provincia Romanorum fuerat dicitur, nam septentrionalis pars longe antea a Scotis et Pictis habitabatur, et per Bedam, multis in locis a reliqua Britannia dividitur; Nostri scriptores evocatos Scotos a Britannis miserrima Romanorum servitute oppressis asserunt; ut excusso Romanorum jugo partem aliquam Britanniæ sibi in operæ suæ præcium acciperent, quod a vero non abhorret; donatiq sunt eis regionibus, quæ postea Northumbria, Cumbria et Westmaria dictæ sunt, unde et hunc usq in diem Scoti aliquod in eis regionibus jus semper prætenderunt. Utcunq est, ex Gilda, Beda, Paulo Diacono,

Secunda Britan7. calamitas.

Epist: de Excidio Britan:

fol. 9.

et multis aliis constat, Britannorum tum fuisse miserrimam conditionem, et impressionem eam Scotorum et Pictorum fuisse gravissimam, Britannosq; ad mare pulsos, inde ad hostes repulsos, dubios mergi an interfici mallent, licet nonnulli Anglorum Scriptores negent verisimile esse, a tam infirmis Gentibus, Britanniam potuisse opprimi, quod si tum totius insulæ vires sub unius imperio conjunctæ fuissent, Britanni eam calamitatem facile propulissent.

Tertia Calamitas Britanniæ.

Sed præteriti mali finis gradus fit sæpissime futuri, nam his Scotorum et Pictorum irruptionibus successit tertia calamitas cæteris longe atrocior, Britanni enim a Scotis et Pictis vexati, et ad mare usq; pulsi cum a Romanis destituerentur, et viribus suis dissiderent in auxilium Saxones stipendiarios advocarunt, sed magno cum suo malo, nam Saxones insulæ benignitate cognita, et incolarum in resistendo imbecillitate, quæ longo tempore armorum studia intermiserat, et freti Regum Britannorum dissidiis de occupanda ea parte Britanniæ, quæ Romanorum erat provincia, cogitarunt, primumq; ad se Pictorum Regem pelliciunt, Scotis licet graviter irritatis ob summum Scelus in Scotos Perfidia Vortigerni Regis perpetratum, in amicitia tamen cum Britonibus sive Britannis pertinaciter permanentibus, Palladio Episcopo interveniente, ut testatur Polidorus,[a] quod Saxones adhuc pietatis Christianae hostes essent acerrimi, itaq; veteres illi Britanni sine [*lacuna*] sedibus ejecti, tota Britannia, quæ nunc Anglia dicitur, cedere sunt coacti, et in Cambriam quæ hodie Wallia est, se recipere, ubi Locorum opportunitate freti, totos octingentos annos, postea assiduis velitationibus et incursionibus eam partem Britanniæ, quæ nunc Anglia dicitur infestarunt, et atrocissimis aliquot præliis victi, aliquoties et victores spe [*sic*] recuperandæ patriæ tandem posuerunt, et ab infelicibus armis quiescere coacti. Sed victores Saxones, quam formam Reip: administrandæ suæ sequuti sunt, expendendum; nam in ea tanquam in speculo, quam misera sit sub pluribus Regibus populi conditio facile apparebit; primum affluentibus quotidie a Germania novis copiis Heptarchia, sive septem Regna, inter Saxones erecta sunt, sic ut quamq; Regionem quilibet ductor, cum gente sua, et copiis occuparat, in ea Regnare et Rex dici voluit; Immo Northumbrorum Regnum in duo divisum, Unum Deiiorum,

[a] Lib: 3. Hist: *fol. 10.*

alterum Berniciorum, sic ut uno et eodem tempore octo Anglo-Saxonum, tria Britonum, duo Scotorum et Pictorum Regna in Britannia essent, inter se imperiis et ditionibus distincta, quidam et Cumbrorum regnum adjiciunt sed sine ratione; pro se majus habent, qui insularum sive Manniæ Regem adnumerant, Nec Wallis sive veteribus Britannis satis virium fuit, cum et ipsi in tria Regna recessissent (nempe Demetiam, Venedotiam, et Povisiam) ad veteres sedes recuperandas, usqꝫ adeo Regum multitudo, tam in retinendis sedibus, quam in recuperandis obest; Sed ut ad Heptarchiam redeamus, quid in ea nisi Regum Licet ejusdem gentis perpetuam carnificinam populorumqꝫ sub cujusqꝫ ditione macellum reperiemus? Bernulphus et Ludicenus Reges ab orientalibus Anglis cæsi: Uchlacus, qui hos sequutus in regno Merciorum, ab Egberto victus et sub Iugum missus, Serredius Rex et ejus fratres Seuardius et Sigebertus, ab occidentalibus Saxonibus interfecti, Sigebertus cognomento Parvus a suis cæsus, Chenelmus Merciorum Rex a sorore Quedrenda sublatus: Ethelbaldus, et Bervredus Merciorum Reges a suis Merciis et Offa Rege vita privati; Penda Merciorum Rex, postquam quinqꝫ Saxonum Reges bello sustulisset, Sigebertum, Orricum, Annam, orientalium Saxonum Eduinum, cum utroqꝫ filio, et Oswaldum Northumbrorum Reges, ipse rursus ab Osuiuo Northumbrorum Rege cum exercitu cæsus est; Idemqꝫ eventus Pedæ filio, qui ei in Regnum successerat contigit: prætereo Lotharium et Edricum Reges a suis Cantianis, apud quos Regnabant, Ethelbertum Orientalium Saxonum Regem, ab Offa Rege, Aldunum Australium Saxonum Regem, ab Ina WestSaxonum Rege vita, et Regno Spoliatos, Ethelfredum Northumbrorum Regem a Redovaldo Orientalium Saxonum Rege acie victum et interfectum, Ceolulphum Occidentalium Saxonum Regem prælio cum Eduino WestSaxonum Rege congressum, cum toto exercitu cæsum, Osoulphum et Alfredum Northumbrorum Reges, bellis civilibus regno cedere a suis coactos, quod etiam et Ethelberto sive Adelredo contigit, Cænowolfus West Saxonum Rex, et Cuinardus mutua cæde sublati sunt, Edmundus a Danis, Cadavallo Rex Britannorum sive Britonum ab Oswaldo Northumbrorum Rege cum exercitu oppressus. Prætereo tragicos eventus Bertulphi, et Etheluelphi Cantianorum Regum,

Regum in Britannia Multitudo.

Quæ Calamitates sub Heptarchiâ.

fol. 11.

et Suthredi Orientalium Anglorum Regis, ut Regnis ab Egberto omnes sunt exuti, Taceo cruentissimam illam pugnam, inter Aidanum Scotorum, et Ethelfredum Northumbrorum Reges, cujus Beda meminit, et alii etiam Anglorum Historici, sic et Egfredi Regis cædem, qui cum prius a Scotis victus fuisset, postea cum exercitu maximo, a Pictis interfectus est; mitto eodem tempore, deletam totam Pictorum gentem a Scotis, adeo ut neq; illius gentis, quæ Romanis et Saxonibus bellis erat nobilissima, nomen aut reliquiæ, ubivis terrarum hodie reperiantur, et sic in septentrionali parte Britanniæ *fol. 12.* *πολυκοιρανια* extincta est, et bellis omnibus finis impositus, quæ utramq; Scotorum et Pictorum gentem, ab earum primordiis gravissime exercuerant, fueruntq; res Scotorum, ab eo tempore satis tranquillæ, et pacatæ, nisi cum aut intestinis dissidiis (quæ tamen rara erant) aut externis bellis Anglorum, nempe Danorum et Norvegorum pulsarentur, in quibus Licet in principio fere semper inconsultâ temeritate vincerentur, Dum visum hostem ferre non possunt, toto tamen bello victores fuerunt, eam partem Britanniæ, ab hostibus integram et illibatam ad hæc usq; tempora conservarunt.

Quarta Britanniæ calamitas a Danis.

Ad Britanniam Redeo Cum nondum finita Heptarcharum *πολυκοιρανια* quarta Calamitas accesserat, cæteris fortasse gravior, nempe Danorum in Britanniam appulsus, qui anno Salutis Septingentesimo nonagesimo contigit, etiam antequam Heptarchia in unum Regnum Coaluisset; manebant enim adhuc Merciorum Northumbrorum et Orientalium Saxonum Regna, quæ tandem sub Egberto Rege in unam potentissimam Monarchiam circa annum Domini Octingentesimum tricesimum coierunt; Sed Dani primo Britanniam ingressi sunt sub Britricho Occidentalium Saxonum Rege annis ante Egbertum [*lacuna*] et circa annum Domini 790 ut dixi, quanquam probabilibus argumentis evinci possit, ante Inam Regem occidentalium Saxonum primum appulisse, saltem insulam tentasse. fecit animos Danis Regum in Insula multitudo, quod cum singulis tantum rem futuram sibi sperarent, fortasse etiam in parte, sive belli, sive prædæ accessuros, qui tam atrocibus odiis inter se Dissidebant, et auxiliaria arma Iuncturos, ut æmulis exitium parerent, nam circa hæc tempora, Scoti cum Anglis acerbissime armis contendebant, quod Pictos in illo bello, quo ad inter-

necionem gentis Picticæ pugnatum est, Angli Iuvissent, fortasse beneficii præteriti memores, quia Picti relictis Britonibus cum Saxonibus arma Iunxerant, Itaq; perpetuæ inter *fol. 13.* Scotos et Saxones inimicitiæ, ut perpetua inter Saxones et Pictos amicitia stabat, sed cum Scoti totius Insulæ imperium a Danis peti cernerent, Socia tandem cum Saxonibus, qui tum Christianam Relligionem induerant, arma conjunxerant; maxime quod Dani tum Christianos acerrime persequerentur; florebant enim tum armis et Iuventute militari, Dani: totamq; Europam Victoriis maximis peragrarunt, in Francia sedes ponentes, Neustriam prius Dictam a se Normanniam in futurum voluerunt appellari, quot et quam atrocia Bella in Anglia gesserunt, quam crudeliter in pietatis Christianæ professores sevierunt, quomodo et quam gravibus tributis, Angliam subjecerunt, deniq; quot annis in ea Regnarunt in Anglorum Historiis et præcipue [*lacuna*] Episcopi Sancti Davidis sive Asaph continetur. Scotorum consilio, Auxilio, aut [*lacuna*] opera, toto eo bello Angli sunt usi, ut postea ex Inæ Regis WestSaxonum testimonio apparebit; ejus belli is fuit exitus, ut postquam infinitis et funestissimis prope præliis, Angliam et Scotiam Dani exercuissent, utramq; tamen liberam et sui Iuris relinquere coacti; quod si tempora inter se conferamus, nunquam Danorum in Anglia regnum cessavit donec Danorum aliquot Duces a Suenone et Canuto Anglorum et Danorum Regibus missi, ut sibi Scotiam etiam subjicerent et Angliæ adjungerent, gravissimis duobus præliis aut tribus profligati, etiam Iuramentum prestare sunt coacti, de Scotia armis nunquam Repetenda.

Quinta Britanniæ calamitas a Normannis.

Sic Vix dum restitutis Anglorum Regibus suo in Britannia imperio, quinta calamitas supervenit, nempe Conquestor, qui dum Angli de Edwardi Successore ambigerent, aut inter se contenderent, Anglorum viginti millibus cum novo Rege Haraldo trucidatis, suam fecit Angliam; Suo [*sic*] enim dum de imperio inter se certant, aut confligunt tertium Interim utrisq; fessis superveniens, facile occupat; Angli enim et Norvegienses de imperio Angliæ tum certabant, et Canutus Rex Danorum pro Regno Angliæ recuperando arma sumpserat, sed utrisq; *fol. 14.* pulsis, Conquestor Angliam in suam potestatem redigit, cujus posteri adhuc fælicissime imperium continuarunt, ipse Con-

questor adeo omnes Anglos exosos habebat, ut nobilium fundis, quasi Iure belli acquisitis inter suos Normannos distributis arma omnibus Anglis adimeret, ipsius etiam Angliæ nomen, Ut Caradocus habet, in magnam Normanniam mutare cogitaret, nisi bella inter inter [*sic*] eum et Philippum Franciæ Regem intervenissent, et Anglorum opera, in eo bello fuisset necessaria, ab ejus regno quietiora fuerant in Insula tempora, nisi quod in execrando illo bello Scotiæ ab Edwardo primo illato trecenta hominum millia cecidisse, Anglici Scriptores memorant, ducenta sane Scotorum millia, si trium aut quatuor præliorum calculum ineamus interfecta, scripto Westmonasteriensis reliquit, necesseq; sit, licet numero abstineat, saltem dimidium illius numeri ex Anglis cecidisse, cum Scoti tandem toto bello fuerunt victores; nisi quod fiduciarias illas provincias, Northumbriam, Cumbriam, et Westmariam, quas de Anglo tenebant, nomine clientelari, tum primum et in perpetuum amiserant; Prætereo bellum quod in Hibernia gestum est, cum Edwardus, Roberti Regis frater illius insulæ Regnum iniisset, sub quo cum quatuor tantum Regnasset annos, triginta Scotorum millia, quindecem Anglorum et Insulanorum interfecta, testatur Polydorus; hæ vires si in exteras Nationes, arma transtulissent, nec inter se commissæ fuissent, quid non poterant efficere; nec multo post tempore funesta illa inter Eboracensem et Lancastriam Familias, orta de Regno contentio, centum armatorum millia absumpsit, Galliasq; pene sine cæde occupanti Carolo 7°: Concessit: octoginta pene principes, ut ait Bodinus, Regii Sanguinis vel ferro vel supplicio perierunt; fuit et alia causa cur Angli Gallia tum cesserint, nam cum inter Scotos, et Anglos tum odia acerbissima intercederent, quod Jacobum tum principem Scotiæ et Roberti Regis filium in Galliam tendentem contra fidem Induciarum, Angli in mari intercepissent, et captivum detinuissent, eam indignitatem ut ulciscerentur, miserunt Scoti egregias in Galliam Copias, ut Carolo auxilium ferrent, primo ducibus Comite Buchaniæ et Duglassio. quorum alter Comes Stabuli sive præfectus equitum Franciæ ob egregie navatam operam, alter Dux Andium creatus est, et postea, Jacobus; alias copias, Duce Roberto Patilloco substituit, a quo Angli tota Aquitania tandem pulsi sunt, adeo ut idem Robertus

In Edward° 2d°. Lib: 18.

fol. 15.

Conestable de France.

nomen parvi Regis Aquitaniæ promeruerit, nec adhuc in iis Regionibus celebritas nominis Patilloci interiit; Nostro Sæculo Henricus 8. Galliam cum potentissimo exercitu ingressus est, sub cujus signis etiam Maximilianus Cæsar Stipendia faciebat, et cum equitatum Gallorum, qui per totam Europam Invictus putabatur felici prælio fudisset, Audivissetq; Jacobum 4m: Angliam cum validis copiis ingressum, octo militum millia ex suo exercitu in Angliam transmittere coactus est, ut periclitanti Regno subveniret, iis copiis receptis Surreius, qui antea cunctando rem protraxerat, in aciem discendit, cruento utriq; exercitui prælio cæsus est Scotorum Rex, cum plerisq; ex ipsa nobilitate, sed male affecto suo exercitu Surreus Scotiam non tentavit, et ipse Henricus in Gallia quascunq; pacis conditiones accipere coactus est, et a Galliæ possessione retractus, et sic utraq; ea victoria elusa est, cujus incommodi occasionem sola plurium in insula, imperium peperit, dum alter Regum, alteri occasionem crescendi cuperet præripere, Altera ad Pinquinum clades, non minus gravis accepta est, cum utriusq; regni Conjunctio, jam cepti, et pactis publicis firmata, dolo, et fraude Ecclesiastici ordinis, qui status sui tum mutationem timebat, fuisset interrupta, ob quod factum, ita in odium populi incurrerant, ut non multo post Ecclesiastici omnes in ordinem coacti, et maxima parte bonorum mulctati.

Henricus 8. accepto nunctio de Scotorum in Anglia Eruptione, Exercitum, quem in Gallia habebat diminuere coactus.

Veteres Græci Bœotiam Soliti sunt, martis orchestram appellare, quod in ea tanquam Scæna saltatoria sive in theatro, Mars spectacula sua solitus sit publico exhibere, nec injuria erat enim Bœotia multis cruentissimis præliis nobilis, nam apud plateas contracto cum Pausania et Aristide certamine, Mardonius, cum tercentum Millibus persarum occubuit, et Thermopylæ in Bœotia viginti millium persarum et Leonide Regis Spartanorum cæde insignes, et in Leucretis Bœotiæ pago, Lacedemoniorum opes, cæso Rege Cleombroto, funditus corruerunt, ad Cheroneam in Beotia Athenienses et Thebani memorabili prælio a Philippo Macedonum Rege fusi, et Græciæ libertas ab eo tempore valde imminuta; nec in Levioribus præliis immorabor, quod si quis a veteri illa Beotia, in nostram Britanniam oculos convertat, non solum eam Martis Orchestram, aut theatrum dicet, sed et ipsius Martis Natale solum, ædes, penetralia deniq; et ipsam Martis aram,

fol. 16.

Quare Beotia Martis Orchestra dicta est.

in qua parentes nostri victimis humanis soliti sunt Litare; nec aliam causam tantorum Britanniæ malorum facile quis inveniet, quam ejus in Plura Regna diversa distractionem, et Regum inter se æmulationes, dum alius alii invidet, aut alium metuit, et crescendi supra se occasionem, cupiat æmulo Eripere, hinc suspitiones, insidiæ, minæ, que tandem in apertum Martem erumperant [*sic*], facile ex his omnes intelligent, quod in futurum fuisset timendum, nam quæ semel facta sunt, si eadem Britanniæ in diversa Regna Distractio mansisset fieri adhuc poterant, cui rei facile fælicissima hæc utriusq; Regni immo omnium Regnorum quæ unquam in Britannia vel Hibernia fuerunt, adunatio sive conjunctio sub serenissimo principe Iacobo in posterum facile obstabit, et non minus seditiones civiles si quæ nascantur compescet, sed etiam vim omnem externam (Cum sic hominum multitudine Britannia
fol. 17. abundet ut testetur Cæsar, et Tacitus et Iam uni Duci seu capiti pareat) facile propulsabit, et evertet, verissimum itaq; illud est Homeri.

οὐκ αγαθον πολυκοιρανιη· εἷς κοιρανος ἔστω
εἷς βασιλεύς.

Monarchiam præstantissimam fuisse et esse Reip: administrandæ formam et Britanniæ Commodis et Saluti necessariam.

CAPT: 2

Hæc et his alia similia sapientissimus princeps Iacobus nunc totius Britanniæ Rex, Invictissimus, animo concoquens, laudabili in omne ævum proposito, unico in æternum imperio, utrumq; Scotorum et Anglorum Regnum intendit includere, neq; enim unquam præteritæ calamitates hanc Insulam sic
De Monarchia. afflixissent si tota tum ab uno potenti Monarcha Britannia fuisset Administrata, Est enim Monarchia, inter omnes rerum publicarum formas laudatissima et perfectissima, Quippe quæ sola a Deo opt°: max°: omnis perfectionis autore instituta, nam Aristocratiæ, et Democratiæ perpetuum in sacra Historia silentium, neq; earum quasi a Domino præscriptarum ulla

unquam mentio, sed cum Dominus populum suum ex Egypto vellet educere, et formam aliquam administrationis publicæ in eo præscribere, unum Ducem Mosen eis imposuit, qui et etiam Regis nomine a Deo honoratur; Regia sane erat ejus potestas, neq, enim de nomine multum laborandum est, si in re convenit, sane Philo Iudeus Mosen et Regem maximum et prophetam sanctissimum et optimum legislatorem vocat, Preterea cum reipublicæ formam Israelitico populo, per Mosen Dominus præscriberet, Legem etiam Regiam tulit, qualisq, Reipub: Rex præficiendus esset declarau[i]t, quorsum autem Legem Regiam Dominus instituisset, nisi Regem etiam et Regnum quasi ab eo institutum probasset? et Moses Iam moriturus cum Maxime populo Dei consultum vellet, precatur Dominum ut unum hominem eligat supra hanc multitudinem qui possit eam Regere et Iosuam Ducem ex voluntate Domini successorem sibi instituit, quorsum autem aut ille precatus unum, nisi unius imperium cæteris Reip: formis prætulisset, aut dominus ejus precibus annuisset, nisi quod populo tanto Gubernando commodissimum unius imperium fuisset? immo nec Iosua unquam imperium induisset, nisi eam fuisse Domini voluntatem, eumq, illius Reip: formæ authorem agnovisset; Præterea inter magna sua beneficia quæ Dominus populo suo spondet hoc imprimis numeratur, quod in eo Regnum Sacerdotum sive Sacerdotale instituerit, id est, Regnum pium et Iustum, et quod legibus Divinis obsequeretur; post Iosuam imperarunt Duces sive Iudices, alii Regia potestate quæ in his duobus maxime consistebat, prout et hodie consistit, nempe in populo Iudicando, sive æqua Iustitiæ administratione, et in eodem populo ad bella educendo et reducendo; nam pacis et Belli arbitria penes unum semper esse deus voluit; et cum perfectam Reip: formam in sua gente stabilire statuisset, non populum, non optimates, qui Regerent instituit, sed facies tibi inquit Regem, quem elegerit Dominus, ex fratribus tuis, eliges tibi Regem; et ne quis hæc ad electivos (quos vocant Reges) distorqueat, addit in fine, et Regnabit ille et ejus filii; sane Dominus in Regibus constituendis successionem electioni semper præposuit, ei potius favit quam electioni, eiq, in Davide et ejus posteris benedixit; idem in Saulis liberis facturus, nisi Saul eo Relicto, turpiter ad consulendos impuros spiritus divertisset, Rursus

Deutronom. 33.

fol. 18.

Deus potius favet Regum Hereditariæ successioni quam electioni.

fol. 19. quantum Deus Ab Aristocratia vel Democratia, abhorruerit, quantum utramq aversetur, testatur illa principum Chore, Dathan, et Abiron, et Aliorum Ducentorum et quinquaginta virorum in Israële conspiratio; Nam cum Mosis Monarchiæ inviderent, nec ejus unius imperium ferre possent et ad Aristocratiam aspirarent, in seditiosas voces eruperunt, sufficiat inquientes vobis, quia omnis multitudo Domini est, et in ipsis est Dominus, cur super populum Domini elevamini, his vocibus plane testati se in partem imperii, cum Mose et Arone velle conjungi, sed Deus, mirabili eventu, pro Mosis Monarchia sententiam tulit, Nam aperiens terra os suum omnes illos devoravit, aut fulmine extinxit. occurrunt in Sacra Historia, et prophetis pleraq oracula ex quibus Deum Monarchiam instituisse, et Reges populo suo imposuisse manifestum est, Per me ait Dominus Reges Regnant, et principes terræ Iusta decernunt,[a] et Samuel ad Saulem. Scidit Dominus hodie Regnum Israelis a te et tradidit proximo tuo meliori te,[b] Et alibi Ego te unxi in Regem, dediq tibi domum Israelis et Iudæ,[c] Et Salamon vivit Dominus ait, qui formavit me, et collocavit me supra solum [*sic*] Davidis patris mei.[d] Et postea in Ierobomo, ecce ait Dominus ego scindam Regnum de manu Salomonis, et tibi dabo decem Tribus,[e] et de eodem, quia exaltavi De medio populi, et dedi te Ducem super populum meum Israel, scidi Regnum Domus David et dedi tibi illud,[f] et alibi pro eo quid exaltaui te de pulvere, et posui te ducem super populum meum Israelem, sic et constituet sibi Dominus Regem super Israel, qui percutiet Domum Ieroboam in die illa; hæc et his infinita similia quoties occurrunt, nisi quis rationis et ingenii lumine destitutus sit, facile evincent, imo ab invito extorquebunt, Reges a Domino primum Constitutos, et Monarchiam a principio introductam, eamq hæreditariam, ut hominum ambitionem et contentiones e medio tolleret; Est enim Regnum res inter Deos et homines pulcherrima.

fol. 20. Quod si veterum philosophorum classes et sententias velim perlustrare, si per eorum Apothecas vagari, dies me deficeret antequam eorum omnium sententias in unum Cumulum congererem, Vetus enim philosophia Monarchiam solam Reipublicæ bene administrandæ formam censuit, Aristocratiam et Democratiam, ut turbarum et tumultuum altricem rejecit.

[a] Proverb. 8.
[b] Samuel 11.
[c] Samuel 12.
[d] Reg. 2.
[e] Reg. 11.
[f] Reg. 14.

Licurgus (sunt qui Bianti Priencnsi ascribunt) cum Spartanæ Civitatis institutionem in se recepisset, Regnum in ea constituit; Rogatus a quodam cur non potius Democratiam vel Aristocratiam induxisset, Respondit, cur tu in tua familia, Democratiam vel Aristocratiam non instituis: Recte ille. Quid enim est familia, nisi Monarchia parva, aut quid Monarchia nisi amplissima quædam familia, in qua unus est paterfamilias, qui arbitratu suo omnia administrat, cui reliqui parent, et obsequuntur, Uxor amanter, Liberi reverenter, servi et operæ humiliter, quod si duo in hac familia quantacunq; sit merum imperium sibi arrogent, si de eo inter se usq; ad necem dimicent, familia continuo dissipabitur, Uxor quem maritum sequatur, Liberi quem parentem, servi quem dominum habeant ignorabunt, immo quisq; pro dignitate Domini sui, sive Crediti sive veri asserenda, familiarem suum pulsabit, et forte interficiet, salus ita ipsa si velit eam familiam, Diu conservare non potest. Scitum Licurgi Dict.

Est sane Britannia Insula in toto orbe terrarum clarissima, ut a Iosippo alter orbis vocatur, ab Appiano alia continens, a poetarum principe divisa a toto orbe dicitur, in hoc microcosmo sive altero orbe, si duo sunt pari potestate Domini, quorum alter alteri semper sit infestus, mutuisq; odiis inter se sæviant, bellis, incendiis, sanguine, cæde, et rapinis, mutuo se lanient, ut nunquam inter vicinos desunt odiorum semina ut ait Iuvenalis: Britannīa alter Orbis.

Inter finitimos, vetus atq; antiqua simultas
Immortale odium et nunquam sanabile vulnus.

Præcipue si utraq; pars principes feroces et Magnanimos nacta fuerit, quis illius orbis status sperandus erit, nisi turbulentissimus, scitum est illud Cerbami, cum Cyrus expeditionem in Messagetas sive Scythas pararet et de assumendo in societatem Regni filio Cambyse in consilio deliberaret, unus ex purpuratis Cerbamis, assumptionem filii in partem Regni non expedire dicebat, unum solem totum mundum perlustrare et fovere asserens, duos terram combusturos; allusit forte Cerbamis ad fabulam illam Æsopicam, cum sol in Deorum consilio de Ducenda uxore reliquos Deos et præcipue Iovem consuleret, omnibusconsentientibus,solus petitioni Solisse Momus opposuit, *fol. 21.* Egregium Cerbani.

neq; e mundi utilitate futurum aiebat, si Soli matrimonium permitteretur, futurum enim eo matrimonio ut plures Liberos nempe Soles gigneret, a quorum æstu mundus aliquando conflagraret, cum hodie vix unius radios et faces queat sustinere, Putabat certe Momus facilius mundum duos Soles, quam Solium duos Reges posse ferre.

Britannia quasi una Civitas.

Est profecto Britannia, quasi una firmissima quædam Civitas Oceano tanquam firmissimo et profundissimo vallo munita, nullius populi externæ injuriæ (si secum consentiat) obnoxia, vim omnem hostilem tanquam undas allatrantes suis littoribus et Scopulis facile contundens. Civitatem hic, non pro urbe aut pro Opido propugnaculis et muris cincto intelligo (neq; tamen in hac significatione incommode nostro proposito conveniet), sed pro tota ea Regione quæ iisdem Legibus regitur, et Gubernatur, et unico idiomate utitur, et apud priscos autores, in ea significatione usurpatur. In hac civitate, si duo pari potestate sunt Magistratus quorum quisque suam factionem, suas partes habeat, si duo primarii Cives ferociores, quam par sit, aut Ratio postulat oriantur, qui continuis odiis simultatibus et bellis se invicem persequantur, Civitatem aut hostibus prodent, aut inter se seditionibus evertent, Notissimus est *fol. 22.* eventus concertationis inter Marium et Syllam, clarissimos rerum gestarum gloria cives, et inter Pompeium et Cæsarem, dum ille parem hic Superiorem in Civitate non potest ferre; quod si omnia bella, quæ his sex aut septem sæculis in hac quasi Civitate Britanniæ gesta sunt, evolvantur, si Causæ et initia considerentur eandem contentionum causam inveniemus, quæ inter Pompeium et Cæsarem intercesserat, dum Anglus parem in Insula, Scotus superiorem pati non poterit, nam quæ reliquæ causæ bellorum exortæ sunt, ex hoc tantummodo unico fonte sunt derivatæ, ut in sequentibus elucescet, Si itaq; in hac Civitate Britanniæ, duo sunt pari potestate Magistratus, et diversa imperent, cui parebitur? sua quisq; factione munitus totius Civitatis imperium sibi vendicabit, hinc cædes, incendia, proscriptiones, direptiones, et ipsius Civitatis tandem certissima ruina sequetur, et ut Civitatem Romanam omittam, quid aliud olim Athenas, Spartam, et alias Græciæ nobilissimas Civitates, quam factionum diversitas evertit, dum hi Romanis, illi Philippo faverent, et sic imperium Græciæ ad

Romanos translatum; recentioribus his sæculis quoties in factiones Nigrorum et Alborum, Guelforum et Gibellinorum, et tandem veterum Civium et Mediciorum districta Florentia pene incendio suo conflagravit, nec unquam quietura videbatur, donec priori hoc sæculo sub Monarchiæ formam redacta est.

Præterea cum Britannia Communis sit omnium eam habitantium Mater, saltem Nutrix quæ suo lacte et alimentis educat, nutrit et fovit, quotquot in ea nati sunt, cum Britanni omnes aliquo modo inter se fratres sint, saltem uterini, qui ex Communi utero matris Britanniæ prodeuntes, sic inter se quodam vinculo conjungi debent ut Collactaneos fratres decet, qui ab eodem ubere alimenta suxerunt, quod si hi fratres sive collactanei, sive uterini vel germani inter se pugnent, unus in alterius Iugulum et interitum semper immineat, reconciliationem nullo modo inducias aut intermissiones raro patiantur, nec eas quidem diuturnas, quid animi Britannia Communis mater cum hæc videat, habere credenda est, quid Nutrix, quæ hos fratres uno lacte aluit? laquæum et et præcipitium potius sibi parabit, quam ut filios suos sive alumnos, ita *αδιαλλακτως* inter se contendere videat, saltem quacunq morte se funesto spectaculo subtrahet, potius quam ut talia apud se, et in suis visceribus expectet, nec opem ferre possit, quod et Iocaste post mutuam cædem Etheóclis et Polynecis fecit, quod Ilia [*sic*] fecisset, si præsens fuisset, cum Remus a fratre Romulo interficiretur [*sic*], est nimirum quod et mater fferregis, et Porregis Regum Britanniæ scribitur fecisse; Petri et Henrici fratrum Regum Castellæ facinus, in omne ævum damnabitur, quorum unus alterius sanguine manus lavisse refertur; an potius Turcas immanissimos imitabimur, apud quos præcipuum Caput politiæ est, fratres omnes Iugulare, ut Mahometus 3us fecerat, qui 19^{m} fratres curavit nuper interfici et [*lacuna*].

Britannia omnium in ea Inhabitanti7 Communis Mater et Nutrix.

fol. 23.

αδιστακτως Indubitanter vel certo.

Deniq Britannia est quasi unum solidum corpus, quale apud Iurisconsultos Corpus universitatis dicitur, in quo omnia membra ad totius Corporis conservationem debent consentire et convenire, omnem vim extrinsicam reseccare et compescere, ad sui securitatem et valetudinem omnes nervos intendere, et in unum illud universitatis corpus tuendum et conservandum conspirare: nota est Agrippæ Menemii Apologia, cum reconciliationem plebis Romanæ cum patribus suaderet, tempore

Britannia quasi unum et solidum Corpus Reip:

aiebat ille, quo in homine non ut nunc omnia in unum consentiebant, sed singulis membris suum cuiqꝫ consilium, suus sermo fuerat, indignatas reliquas partes sua cura, suo labore, ac ministerio ventri omnia acquiri ventrem in medio quietum, nihil aliud quam datis voluptatibus frui, conspirasse, inde ferunt ne manus ad os cibum ferrent, nec os acciperet datum, *fol. 24.* nec dentes conficerent, hic dum ventrem fame domare vellent, ventrem et membra, totumqꝫ corpus ad extremam tabem venisse; eadem est ratio membrorum ad universum Corpus, nam nisi omnia membra inter se consentiant et ad enutriendum et conservandum corpus illud universitatis conspirent (quod fieri non potest, quamdiu duo pari imperio in Insula sunt) et ipsum Corpus et omnia membra simul contabescent.

Admiranda certe sunt Dei omnipotentis Iudicia et cum veneratione et timore sancto ab hominibus recipienda, neque cessat ille et præsentem hominibus impietatem ostentis manifestis exprobrare, et de eventu etiam commovere [*sic*], fuit sane hactenus Britannia Monstri bicipitis instar, cujus unicum tantum erat corpus, quale hoc ipso Sæculo in confinio utriusqꝫ regni tempore matrimonii illius fælicissimi, quod inter Iacobum 4^{tum} Scotorum Regem, et Margaretham Sapientissimi Principis Henrici Septimi filiam convenerat et ne quis quicquam factum [*sic*] a me putet, quanquam a plerisqꝫ aliis inter quos et meus Pater, et nonnulli licet rari qui adhuc vivunt sæpius visum, verba tamen Georgii Buchannani qui et ipse oculis suis conspexerat, et significationem etiam mihi cum eo familiarissime uterer, aperuit paucis exponam.

De Monstro mirabili in confinio Angliæ et Scotiæ nato, tempore Matrimonii Inter Ia. 4: et Margaretam Henr; 7: filiam et ejus significatione.

Monstrum illud infra umbilicum, nihil a communi hominum forma discrepabat, superius membris geminis, et ad usum et speciem diversis, id Iacobus 4^{tus} educandum diligentissime curavit, præcipue in Musica et Linguarum cognitione, variæ tamen voluntates, discordia pectora exercebant, et cum aliud alii placeret, aliquando inter se litigabant, aliquando in commune consulebant, si inferius corpus pungebatur, utrumqꝫ communiter dolorem sentiebat, si supra umbilicum Læderetur, ad alterum tantum corpus perveniebat sensus doloris, toto *fol. 25.* Iacobi 4^{ti} tempore monstrum hoc superstes fuit, et aliquot post eum annis, donec altera parte aliquot mensibus antea mortua, altera pars dolore, et corruptione, et fœtore alterius

partis contabesceret; Voluit nimirum Deus optimus maximus hoc prodigioso ostento, primum Britanniæ præsentem statum subjicere, cujus formam monstrum illud vere tum repræsentabat, nam licet duo illa Capita, inter se sæpius litigarent, tamen in commune aliquando consulebant, quod in Britannia nostra nunquam saltem raro ante hæc tempora visum, voluit inquam Dominus Britannis omnibus discordes animos, et ingenitam in se sæviendi rabiem præteritam exprobrare, simulque monere hanc rabiem tum cessaturam, cum ex eo matrimonio nasceretur per quem utrumque Regnum, in unum coalesceret, ut utrumque illud caput in unum corpus tandem desinebat.

Simile quid apud Malmesburiensem[a] legitur sub Edwardo ultimo Anglo Saxonum Rege (nisi quis Heraldum inter Reges numeret) nam in confinio Normanniæ et Britanniæ portentum visum ait in una vel potius duabus mulieribus, duo erant Capita, quatuor brachia, et cætera omnia gemina usque ad umbilicum, inferius duo crura, duo pedes et cætera omnia singula, ridebat, commedebat, Loquebatur una, flebat esuriebat, tacebat altera, ore gemino manducabatur, sed uno meatu digerebatur; creditum a quibusdam, et Literis etiam traditum, ait quod hæ mulieres Normanniam et Angliam significarent, quæ licet terrarum spatio diversæ, sub uno tamen Domino mox erant uniendæ; tale etiam monstrum paulo ante se natum in oriente visum narrat Augustinus[b] sane hæc horrenda portenta nunquam temere apparuerunt, sed partim ut præsentis miseriæ, et infælicitatis, partim ut futuri eventus homines commonerent, nam ex uno ventre duo contraria *fol. 26.* Capita excitari, et tamen ex eodem ventre utrique alimenta suppeditari, quid aliud potuit significare, nisi ex communi Matre Britannia duo Capita duos Reges editos, qui inter se dum alter parem, alter superiorem ferre non potest, perpetuo digladientur, et in communem patriam sæviant, cujus tamen perpetui certaminis, is exitus ex eo matrimonio mox sperandus, ut utrumque in unum solidum corpus coalesceret et conveniret.

Aristoteles[c] quanquam in comparatione rerum publicarum, ubique Monarchiam reliquis prætulerit tamen duo ejus dicta, quæ annotentur dignissima sunt, Primum quod illius auræi

[a] Lib. 2: de Gestis Regum Anglorum.

[b] Cap: 8: Lib: 18; de Civit: Dei.

[c] Duo Arist: dicta Annotanda, Lib: 10: Ethic.

seculi heroas, et deos ipsos, quorum fælicissimam necesse aiebat esse vitam, sub Monarchia et unius imperio esse asserit.[d] Alterum [e] dum Cretam commendat ob egregium ejus situm, et portuum frequentiam, quod omni mari objaceret (modico enim spatio a Peloponeso abest, nec majore ab Asia aut Africa) et proinde Cretam Natam ad imperium Græciæ aliquando occupandum non dubitant asserere, neque mirum ait, Si Minos Cretensium Rex cum Maris totius imperium obtineret vicinas omnes Insulas habitatas sub imperium redegerit, aut habitari curaverit, et Siciliam tandem aggressus in ea mortuus sit, visus sane est mihi Aristoteles, cum hæc Legerem, Britanniam Nostram describere, quæ longe hominum multitudine, et portuum celebritate, Creta frequentior est, et ut illa Regionibus in mari Mediterraneo omnibus objacet, sic et nostra Britannia, Norvegiæ, Daniæ, Frisiæ, Belgio, Galliæ et ipsi etiam Hispaniæ imminet, nec tamen in his oppositis Regionibus fines imperii promoti; multa quidem fæliciter tentata, sed effectus tantis ceptis debitus non respondit; non deerat animorum magnitudo, non Iusti exercitus, non opes ad alendos exercitus necessariæ; Unus Minos; unus in tota insula Rex deerat qui dissentientes et pugnantes inter se Britannos authoritate sua compesceret; Cappadoces et Paphlagones a Romanis, Antiocho victo, ejus imperio adempti, cum Rogarentur, si quam aliam Reipublicæ formam cuperent, quam sub Rege vivere, offerentque [*sic*] eis Romani, si a Regibus vellent Liberari, eos sui Iuris effecturos, ut possent sive Democratiam sive Aristocratiam amplecti. Responderunt illud potius supplicii, quam beneficii loco eis offerri, cum sine Rege nulla gens vivere bene et beate possit. Sane Demosthenes vir acutissimus in omnibus suis Orationibus tam Olynthiacis, quam quæ contra Philippum nominatim inscribuntur, unius imperium si bellum ingruat (quod tamen aliquando ingruere necesse est), aliis imperii formis præfert; nam cum Athenienses indignarentur, quod fæliciter Philippo rem adversus eos gerenti omnia succederent suis autem ducibus omnia adversa, Quid mirum (inquit ille) nam in bellis non expedit plurium imperium, Philippus ex suo unius animi Arbitrio omnia facit, militem conscribit, stipendia et commeatum parat, in armis etiam antequam a nobis sentiatur, est; et Oppida aggreditur,

[d] Lib: 1; politic.

[e] Lib: 5: *ibid.*

fol. 27.

Cappadoc7 et Paphlagonum Responsio Romanis.

Unius Imperium in Bello utilissim7.

singulaque expugnat, Nos interea deliberando tempus consumimus; nam postquam adfertur Philippum in armis esse, et Civitatem aliquam oppugnare, primo conveniendus est populus, Consulendi oratores, quid facto opus est, mox psephismata decernunt, Imperatores sive plures Duces eliguntur, exercitus conscribuntur, pæcunia in stipendia imperatur, et vix dum colligitur, Exercitus rebus non integris educitur, antequam singula hæc fiant, Consilia nostra (quæ pluribus nunquam tuto creduntur) ad hostes emanant, et dum ad bella accingimur, occasio bene rei gerendæ præterit. Philippus interea vel Olinthum vel Pidnam, vel Potideam vel aliam Atheniensium Civitatem, vel quæ eorum præsidio tenebatur occuparat, et apparatum Atheniensium securus eludebat in sua tuto recedens. In bellis πολυκοιρανιαν exitialem semper fuisse, vel *fol. 28.* illud exemplum Pauli Æmilii, et Terentii Varronis commonet, et recte Livius annotavit in bello contra Æques et Volscos, Liv: Lib: 3. cum duo Romani consules pari potestate in exercitu essent, quod saluberrimum in Maximarum Rerumpublicarum administratione est, summa Imperii concedente collega penes Appium fuit. Possunt et etiam exempla multa in hanc rem adduci, quibus manifestum fiat, divisionem imperii alicujus in plura membra et partes omnium eversionem peperisse.

Ex Divisione Romani Imperii, in Orientale et Occidentale, utriusque eversio nata est, nam Orientale hodie immanissimis Turcis cessit, Occidentalis vix umbram retinemus; antiquitus Ægyptus divisa est, in duo Regna, superiorem et Inferiorem Ægyptum, Nec tamen haec duo Regna unquam quieverunt a bellis civilibus, donec tandem Alisfragumthesis, pater Themesis Rex Thebaidos sive superioris Ægypti, Hicsos sive pastores Reges Inferioris Ægypti bello victos suppressit, et totius Ægypti imperio potitus, Regnum potentissimum in in [*sic*] Ægypto condidit, circa annum ab Orbe condito 1208. Assyriorum Regnum divisum in duo Imperia, nempe Babyloniorum et Medorum, nunquam a bellis et tumultibus quievit, donec utrumque sub Persarum Imperio redactum; Israelis Regnum ut potentissimum sub Davide et Solomone, ita in duo imperia postea distractum utrumque ab Assyriis devictum et translatum est. Galliæ Regnum bis in quatuor recessit, Nempe sub Clodoveo qui testamento Childeberto primogenito Parisi-

orum, Clodoveo Aureliorum, Clotario Suessionum, et Theodorico Metense Regnum reliquit, sed tragici hanc divisionem eventus sequuti sunt, Nam Clodoveo in acie cæso, ejusque altero filio in Monasterium detruso, Clotarius et Childebertus ejus Regnum
fol. 29. occuparunt, sed sub Clotario secundo Regnum Francorum rursus coaluit; eo tamen mortuo ejus Liberi regnum Francorum inter se diviserunt, Chireberto Francia sive Parisii, Childerico Suessiones, Gontravo Aurelii et Sigeberto Metenses sive Austrasii cesserunt; nec fæliciori tum eventu, versa enim fratrum in se arma nec eorum Morte conquierunt; sed etiam in filios continuata, tandem post horrendas tragedias a ffredegunda et Brinnchilde Reginis excitatas, nullus civilium armorum finis fuerat, donec tandem in unum Imperium ea quatuor Regna coaluissent, quod sub [*lacuna*] factum; Dies me deficeret si omnium annalium et Regnorum exempla percurrere velim, quibus manifestum est, Ut maxima Imperia Divisionibus et distractionibus in ruinam præcipitata, sic et partium redintegratione restituta, dissipata enim amicitia sine animorum conjunctione, et unione, nec domus ulla, nec urbs stare potest, nec agrorum cultus permanebit, quod ex odiis et discordiis manifestum est, quæ enim domus tam stabilis, tam firma civitas tam potens Respublica esse potest, quæ odiis et discordiis non evertatur. Sed ne in illud Stadium descendere Videar in quo plerique viri docti non sine laude decurrerunt, unum hoc pro omnibus argumentis, pro Monarchia sufficiet, quod cum vires imperii, semper penes populum fuissent, eique licuisset, quamcunque luberet formam gubernationis induere, toties cæsis ob rem male administratam tyrannis, tot tamen seculis a mundi incunabulis præteritis, Monarchia apud omnes fere Gentes recepta sit, quasi Reipublicæ gubernandæ forma perfectissima, et ad hæc usque tempora continuata; qui de Monarchiæ præstantia scripserunt, apud veteres, Aristoteles[a] Herodotus[b] apud quem doctissimæ orationes habentur, Otavis pro Democratia, Megabysis pro Aristocratia, et Darii Histaspis, pro Monarchia.

[a] Lib: 10: Eth.
[b] in Thalia.

fol. 30. Sed ut ad Britanniam nostram revertamur, quod in aliis Regnis expediens videbatur, id Britanniæ saluti necessarium, nam quamdiu inter se, Britanniæ partes dissidebunt ita ut[b]

> Frigida jam pugnent calidis, humentia Siccis;
> Mollia cum duris, sine pondere habentia pondus.

[b] Ovid, Metamorph.

Pacem solidam et tranquillitatem Britannia nunquam sentiet, si enim humores in corpore inter se pugnent, nec in æquali temperie serventur, sed quisque sibi principatum arroget, et ut obtineat invicem colluctentur, si Caput a pedibus, manibus et Brachiis dissentiat, si partes non conveniant totum corpus collabi necesse est, Una anima est quæ hanc intemperiem coerceat, peccantes et redundantes humores pharmacis avertat, dissentientes partes corporis ad officium reducat, et quasi Monarchiam in corpore exerceat, alioqui ipsum corpus cum Membris corruere necesse est. Princeps Anima Regni.

Hæc tantum ut nihil *πολυκοιρανια* nocentius, nihil Monarchia utilius, aut Salutarius contingere omnes intelligant, neque unquam Democratiæ vel Aristocratiæ, in Britannia nomen auditum est, pluribus fortasse Regibus subditi Britanni (ut Dixi) sed semper sub Monarchiæ forma, quæ tamen inter plures Monarchas divisa, nihil in commune consulebat, eoque facilius Romanorum Iugum accepit, Salus enim Britanniæ in hoc uno sita est, Ut sub uno Capite, sub uno consilio Respublica administretur, sic enim et morbi interiores quiescent, et externa omnis vis facile contemnetur; Laudanda igitur est optimi Regis et prudentissimi principis cum sapientia conjuncta pietas, qui nullis Laboribus, nullis sumptibus parcit, ut adamantino seu æterno vinculo, has duas ferocissimas gentes et odiis mutuis toti Europæ et omnibus seculis nobilitatas, uniat et conjungat, ne posthac eruptioni, aut novis tumultibus *fol. 31.* pateat fenestra aut occasio, sed ut humanarum et divinarum rerum omnium cum benevolentia et charitate summa, sit communio perpetua, quæ veræ amicitiæ definitio est.

Laudatissimos Angliæ Reges, omni cura, et studio, enixos, ut ex duobus Regnis unum potentissimum efficeretur.

CAP: 3um

Prævideerunt sapientissimi Anglorum Reges sæpissime Britanniæ Magnitudinem dignitatem et salutem in utriusque

Regni consociatione et unione consistere, neque unquam Angliam, vel domi quieturam, vel foris claram evasuram, quamdiu tam infestum vicinum haberet, ita Lateri perpetuo inherentem, ut trium dierum spatio Angliam cum non contemnendis copiis ingredi et vexare possit, itaque omne ope et studio Anglorum Reges enixi sunt ut Scotiam Angliæ conjungerent, et in unum Corpus sive Imperium contraherent, sed id duabus tantum Rationibus fieri posse prævidebant; nempe aut armis ut victoribus victi parerent, aut ut ex mutuis affinitatibus continuandis, unus aliquis tandem nasceretur, qui in utrumque succederet; nam his duobus (ut aiunt) mediis

fol. 32. imperia accrescunt, neque aliud inveniri possit, quanquam et testamentis aliquando non levis accessio Romano Imperio accreverat, Ut in Sumenis et Attali Regum testamentis qui Regna sua populo Romano morituri Reliquerunt, et ipse populus Romanus, et everso Reipublicæ statu Imperatores Romani solebant aliquando Regna quasi donativa tribuere, ut reges tanquam Servitii Instrumenta haberent, quod et tradit

In vita Agricolæ. Tacitus. hodie tamen hæc duo media incrementorum in Regnis, tantum observatur [*sic*], nempe vis et successio, Qui ferociores erant Anglorum Reges vulgi opinionem sequentes, bello facile se effecturos sperabant, ut Scotia ditioni Anglorum subjiceretur, cum opibus, multitudine populorum, armis et omni bellico apparatu Scotis tanto essent instructiores, Licet pleriq; in Anglia non satis rerum antiquitus gestarum periti, obstinate negent unquam Anglorum Regem, Scotiam armis subjicere animo destinasse, hæc a plerisq; qui sibi aliqui videbantur, dum nuper in Anglia essem audivi, Cum in sermonibus desideratissimum tempus Angliæ Iam advenisse dicerem, quo Regnum Scotiæ sibi toties, sed frustra armis tentatum, cuique omnibus semper votis inhiabant, adeo pronis et volentibus animis et sine sanguine eorum Imperio accessisset, at illi pertinaciter ut me refellerent negabant, ullum fuisse suorum Regum, qui armis Scotiæ subjectionem tentaverat, quod si fecisset facile id factu fuisse Unus etiam adjecit, non tanti precii esse Scotiam ut etiam si Anglus eam occupasset, ob inopiam vellet retinere, tutam Scotiam sola sua pauperie, frigoribus, montibus, et paludibus ab Anglorum Injuria esse, Hæc ut veras causas infælicis sæpe successus, in bello elevaret,

sed manifestum faciam, nullum a conquestu Anglorum fuisse Regem, qui non avidissime utriusq; imperii conjunctionem, et unionem ambiret, ferociores, et qui majoris animi habebantur jure belli et conquestus, ut aiunt, Sapientiores vero cum id *fol. 33.* dubium videretur et raro hæc via fæliciter eis successisset, affinitatibus mutuis utriusq; Regni Principes illigabant, præsagientes fortasse et animo destinantes, ex his affinitatibus venturum aliquem qui in utrumq; Regnum, aliquando Iure optimo succederet, quod et hodie vidimus.

Conquestor occupata Anglia nihil actum credens quamdiu, ut ait Poeta, aliquid superesset agendum, Scotiam sibi subjicere constituit causam belli prætendebat, quod Malcolmus Scotiæ Rex, exules Anglos, quos ille bonis omnibus mulctaverat, ad se recepisset; Itaq; cum in Scotia tutissimum Anglorum perfugium videret, unde et motus aliquos eventuros timebat, Scotiam etiam bello aggressus est, nullius nostratis testimonio in hac re utar, nec iis credi volo, sed tantum historicis Anglicis, qui apud eos sunt probatissimæ fidei, Verba Hovedeni[a] hæc sunt. 'Anno inquit ille 1072 post assumptionem beatæ Mariæ, Rex Wilhelmus cum navali et Equestri exercitu Scotiam ingressus est, ut eam suæ ditioni subjugaret'; Constat ex his verbis Conquestorem eo tempore Subjectionem Scotiæ animo destinasse, sed eventus hujus expeditionis ejus proposito non respondit Nam cum Malcolmus cum expeditis copiis ad pugnam instructus ei occurrisset, et utraq; pars ad conferendas manus Iam staret parata, pax inter Reges convenit, eam a Scotis postulatam Scriptores Angli memoriæ reliquerunt, ne pugnam Conquestor qui nuper Angliam subegerat, cum Scotis detrectasse crederetur. sane pacem petere et eam dubio bello præferre, inter honestissimas res vix [*sic*] bonus ponet; Nostri Scriptores, Odonem, Bajocensem, Episcopum, et Carleolensem missos tradunt, qui de pace agerent, at Odo hic frater erat Conquestoris, Carleolensis etiam subditus, qui nun- *fol. 34.* quam se in illo articulo prælii immiscuissent, nisi e re et Iussu Conquestoris, sed nullas conditiones pacis tum Scotus admittebat, nisi omnes Angli qui ad eum transfugissent, pristinis sedibus et bonis restituerentur, quod Guilielmus cum eos infensissime odisset, ægro animo tulit, admittere tamen maluit, quam tot annorum fælicitatem unius prælii incertæ aleæ com-

Conquestor armis Scotiã sibi subjicere proposuit.

[a] in Gulielmo Seniore.

mittere, Contentus Malcolmi hominio pro Cumbria, Westmaria et Northumbria, quod ei Malcolmus non tum [*sic*] gravate præstitit, cum in Edgaro; cui jure Anglorum Regnum debebatur, nihil tanta spe dignum expectaret.

Rufus idem et eodem successu tentavit.

Nec minus animi in Rufo fuit, qui patris vestigiis adherens Scotiam facili sibi bello debellandam proposuit, itaq; ingentes copias ut eam subjiceret tam mari quam terra instruxit, et in Scotiam movit, aderat ei in ea expeditione frater ejus Robertus Dux Normanniæ, quo autem animo Rufus in Scotiam profectus est, narrat idem Hovedenus, qui eum maximam Classem ornasse, et cum equestri exercitu in Scotiam profectum meminit, ut Malcolmum debellaret, sed cum Malcolmus ei cum valido exercitu occurrisset, per Robertum Normanniæ Ducem, et Edgarum pacem convenisse ait, quorum uterq; in exercitu Rufi erat, Malmesburiensis satagente Roberto Duce, eam pacem contractam affirmat, cum Rufi res in arcto fuissent, Iumentis omnibus et multis militibus amissis, Licet Mathæus Paris: Rufum et Scotiam et Walliam sibi subjugasse affirmet impudenter, Sed cum Rufus regressum ad sua non sibi tutum videret, ad iniquas pacis conditiones, descendere coactus est, traditis duodecem villis, quas Wilhelmus ejus pater Malcolmo ademerat et annua pensione [*lacuna*] Librarum auri, ut tuto sibi Liceret remeare promissa.

fol. 35.

Sub Henrico primo quietissime Reges inter se vixerant, nam Henricus Matildui Cognomento bonam et Scotorum Regis filiam in uxorem duxerat, cujus Laudes Anglorum pleriq; editis libris posteritati reliquerunt, quodq; omnium Libellorum instar est tetrasticon illud

Prospera non letam fecere, nec aspera tristem
  Prospera terror ei, aspera risus erant
Non decor effecit fragilem, non sceptra superbam
  Sola potens humilis, sola pudica decens.

Hæc ideo libuit adjicere cum nihil ad hanc unionem sive conjunctionem efficatius sit mutuis inter utramq; Gentem affinitatibus et ut vicinos nostros non pigeat, aliquando indolem potius quam dotem sequi.

Stephano Regi animo fuisse Scotiam suo imperio adjicere

testatur Polydorus[a], his verbis, 'haec statim ut Stephano nunciata sunt, valde ejus animum sollicitum habuere; decreverat enim Scotum prius subigere, quam illinc, Copias reduceret,' et erat profecto Vir omnibus militaribus artibus clarissimus.

Stephanus idem etiam affectavit.

[a] In Steph:

Henricum 2[dum] Scotiam etiam sibi subjecisse scribit Stous, sed Henricus nunquam Scotiam ingressus est, nunquam eam vidit, nisi e Carliolo, cum a Davide Rege ejus avunculo militari cingulo Donatus jurasset, se nunquam questionem de Northumbria, Cumbria et Westmaria contra eum postea moturum[b], sed cum tantam patrimonii sui diminutionem ferre non possit (hanc enim excusationem Lægatis Scotorum res repetentibus prætendebat), Gulielmus Rex Scotorum ab armis auxilium querens, Northumbriam cum exercitu ingressus, eamq; in reditu latissime populatus, quod a se defecisset, nec quenquam obvium crederet, cum solis sexaginta equitibus comitatus Apud Anvicum residuum exercitus prestolaretur Anglorum insidiis interceptus est et ad Henricum deductus, qui oblitus Iuramenti dati et meritorum Patris *fol. 36.* Davidis in bello contra Stephanum, eum in arctissima Custodia detinuit, Scotiam tamen nunquam tentavit, contentus Regem necessarium suum in carcere detinere, donec confessionem ab eo extorsisset, Scotiæ Regnum in Clientela Angliæ esse, et quod Guilielmus illud de Henrico et ejus heredibus postea tenendum reciperet, cui et pleriq; Scotorum proceres consenserant, tanto Regis optimi recuperandi desiderio flagrabant, sed persoluto redemptionis præcio, pax sed non sincera inter Reges mansit, exacerbatis Scotorum animis, quamdiu Henricus inhumanus [*sic*] fuit, Neobrigensis et pleriq; Anglorum Historici tantum Guilielmum in fidem Henrici, Iurasse, eumq; dominum agnovisse scribunt, quod quidem jure facere potuit, pro Northumbria et aliis Regionibus fiduciariis, quas tum de Anglo tenebat, sic et ipse Henricus, Philippum Regem Francorum Dominum suum sæpius scripto et contractibus professus est cum de eo Normanniam, et Andium Comitatum, aliasq; transmarinas provincias tum teneret, Immo et Britannum, Armoricum, et Flandrum, Hannonium et Atrebatem, diversis temporibus Anglo hominium fecisse, et in ejus verba Iurasse, in Anglorum Historiis occurret, præcipue in Edvardo primo, tertio, et Henrico quinto, cum tamen horum nullus,

Hen: 2: a Guilielmo Scotorum Rege eapto, Extorsit Hominium.

Guilel: Newbrigens: Lib: I: c: 22.

terram suam de Anglo teneret, quod ad me attinet puto verius quod ab Anglis traditur pro Regno Scotiae Iuratum a Guilielmo in verba Regis Angliæ tum fuisse, nam ejus rei monumentum adhuc in Anglorum archivis extare memorant, postea Richardus Rex omne illud jus hominii remisit, chartamquae inde confici, sub magno Angliæ sigillo et omnium procerum Angliæ subscriptionibus, curavit, Cujus Chartæ tenor apud Hovedenum et Mathæum Paridem habetur, et ipsa Charta in Archivis Scotiæ adhuc servatur.*

Anglus omne homini7 in Regno Scotiæ ejuravit.

Capti autem ex insidiis Regis, pacta et conditiones ut se redimeret non tanti esse momenti constat, ut Regem Regno, et Regni jure exuant. Nam alioqui Richardus qui patri successerat, ut se ab Henrici Germanorum Imperatoris potestate Liberaret pactus est, ut Angliam de Imperatore et ejus successoribus perpetuo teneret, solvendo annuatim pro eo quinque millia librarum et investituram eo nomine accepit, Immo ut idem Hovedenus[a] testatur, Iohannes ejus frater et successor devenit homo ligius Regis Franciæ pro Anglia, id est in ejus verba juravit, Regnumq, Angliæ clientelare et fiduciæ nomine recepit, postea vero et se et posteros, et Regnum etiam Angliæ pontificiis pedibus subjecit, et ut Regnum illud perpetuo de sede Romana teneretur, diplomate jurato cavit, cujus exemplum tam est apud Holinschedium quam alios Scriptores Anglos, sed quid mirum, cum in Christiano orbe, Pontificis Romani potestas, tum esset maxima, illud potius mirandum est, quod ut refert Mathæus Paris, Idem Rex Iohannes legatos miserat ad Admiralium Murmelium potentissimum Africæ Marochi, et Hispaniæ principem, pro Regno Angliæ ejus ditioni et fidei subjiciendo, et sub tributo ab eo postea recipiendo, si se contra barones suos qui in eum insurrexerant, vellet auxilio Iuvare, fuit hic Murmelius, Saracenorum princeps, et sub signis ducebat, ut idem Paris refert, decies et Sexcies centena hominum millia, itaq, ejus fidem imploravit: Iohannes nihil Cunctatus non

fol. 37.

An Rex Captus Dignitatem Regiam potest Imminuere aut Regnum alii principi Mancipare.

[a] In Richardo.

Murmelius Affricæ primus Saracenorum potentissimus.

* *N.B.*—It was carried out of Scotland by the order of Edw. I., and is at this moment in the Chapter House at Westminster, 1798. See printed *Index of Ancient Charters*, p. 105. [Pencil note in later hand in MS.]

solum eum pro domino Angliæ recipere, sed etiam ejus Relligionem sequi, adeo abjecti animi sunt Reges, si semel ab eo, quod honestum est declinaverint, ut nihil recusent, modo liceat regnare; hæc ideo, ne, quod in Iohanne Balliolo postea evenerat qui Regnum Scotiæ fiduciæ nomine Edvardo primo subjecerat, quis miretur, cum idem et apud ipsos Anglos, reperiri possit, neq; jure Scotos damnet, quod et Balliolum cum sua fiducia rejecerint.

Sed ut ad Richardum redeam, cum is clientelari fiducia simul et amicitia Scotorum frui se non posse cerneret, et bellum Sacrum dubiosq; ejus casus meditaretur, hominium remisit, Regnumq; Scotiæ pristinæ libertati restituit, omnesq; provincias quas Scotus in Anglia antea obtinuerat, et ab Henrico iis ademptæ fuerant nempe Northumbriam, Cumbriam, Westmariam et Huntingtoniam reddidit, extat hujus renunciationis Diploma sive forma, tam apud Hovedenum quam Mathæum Paridem, claros Historiæ Anglicæ Scriptores, immo ut dixi ipsum diploma adhuc in Archivis Regni Scotiæ servatur, quod et mihi monstravit Clarissimus Dominus Skyneus rotulorum præfectus, non est ergo temere credendum eis, qui adhuc submissionem Regis Wilhelmi in archivis Angliæ servari memorant, cum id sine læsa publica fide, et Sacramento fieri non potuit, nam Richardus magno sacramento interveniente, in suo diplomate Iurat, se omnia monumenta, quæ fidelitatem aut hominium Continebant restituisse Regibus Scotorum, adeo autem amicitia inter hos reges tum invaluit, ut Richardum Wilhelmus quanta potuit pecunia Iuverit, et lecta quatuor millia virorum, duce Davide fratre suo in societatem ejus belli miserit, quorum forti et fideli opera, Richardus in ea expeditione usus est, et cum in Angliam Rediturus, in Germaniam descendisset, ibiq; captus a Leopoldo duce Austriæ, et Henrico Cæsari venditus, e loco in Locum veheretur, ut nescirent homines quo in Loco esset, et forte fortuna occurrisset, Legatis suis Angliæ, qui ad eum perquirendum missi erant, ab iis primum Sciscitatus, quomodo frater ejus Rex Scotorum valeret, in ejus enim fide, ut ait Hovedenus fiduciarius nitebatur, nec defuit officio Scotus, nam et redeunti occurrit officiosissime, et quanta potuit pecunia pro liberatione Iuvit; inter hos duos Reges, quorum uterq; nomen cor Leonis

Richardus I^us. Hominio Scotiæ Renunciat.

fol. 38.

acceperat, tanta fuit amicitia, ut non major inter Orestem et Piladem, et profecto meo Iudicio e re fuisset Angliæ si clientelares illas Provincias Northumbriam Cumbriam et Westmariam nunquam a Scotorum Imperio vindicassent, sed sub clientelæ nomine iis adhuc reliquissent, nam sic Scotorum Reges perpetuo beneficio sibi devinxissent, nec in favorem

fol. 39. Francorum quicquam poterat Scotus facere, cum esset homo Ligius Regis Angliæ pro iis provinciis et omnium eo tempore bellorum occasionem natam legimus ob has tres provincias, dum Anglus eas dimittere Scotus eas amittere nollet; sed occulta sunt Dei Iudicia, nam iisdem modis, quibus Scoto eas Provincias Anglus postea eripuit, et ipse Normanniam, Aquitaniam et Reliquas transmarinas provincias amisit; Sub Iohanne Rege nullum atrox bellum, intercessit, tantum Excursionibus, et populationibus certatum est, Cum Iohannes tres illas clientelares provincias Scoto eripere omnibus artibus tentaret; Itaq, neutrum horum Regum, unquam Scotiam bello subjiciendi animum fatebor induisse; at non idem in Iohannis filio Henrico 3° Nam ut meminit Polydorus, cum David Wallorum princeps bello inferior, ad Alexandrum Scotorum Regem confugisset, omnibus, quibus potuit artibus ejus animum ad bellum cum Henrico Suscipiendum accendit: Usus eo præcipuæ quo nihil efficacius, ad inflamandos Scotorum animos sciebat, Quod Anglus Scotum suum vassallum diceret, Regnumq, Scotiæ in fide et clientela Angliæ esse. Irritatus his

Henr: 3us. Scotiam sibi subjicere tentavit.

Alexander per Epistolam satis acerbe cum Henrico de injuria expostulavit, et ut nostri aiunt ad duellum provocavit, fatetur Mathæus Paris nimis procaciter Scotorum Regem literis significasse Henrico, quod nullum pedem nullam particulam Regni Scotiæ de Rege Angliæ tenuit vel tenere voluit, vel debuit, sed cum Henricus Princeps Magnanimus egre injuriam hanc devoraret, vires undiq, conquirit, evocatis etiam ex transmarinis suis provinciis omnibus Copiis, et in auxilium accito Comite Flandriæ, omnem pene Angliam pecunia exhausit, ut esset, unde possit, stipendia extranio militi solvere, dissimulato

Verba Math: Paris.

proposito suo, de Rege Scotiæ potenter expugnando, et postea advenit Comes Flandriæ; cum militibus in Regis adjutorium, Scotiam expugnare proponentis, cujus adventus (ut ait Paris) in Cordibus magnatum Angliæ indignationem et Sannam

Math: Paris: in Hen: 3°.

generavit; nam ut putabant sufficiens erat Anglia sine ipso Scotiam etiam exterminare Itaq; profectus est Rex cum Exercitu copioso, congregata universitate nobilium totius Angliæ, sed cum ei occurrisset in finibus utriusq; Regni Alexander Rex Scotiæ cum centum Armatorum millibus præter mille equites qui fortiter omnes pro patriæ dignitate mori non formidabant, et acies Iam instruerentur, procurante Henrici fratre Richardo postea Romanorum Imperatore indignante ex tam levi causa, tantum bellum natum, tantam sanguinis Christiani effusionem imminere, pax fæliciter convenit, et uterq; Rex ad sua, facto fœdere, rediit. Sequutus sum in hac narratione Mathæi Paridis verba, ne quis me de meo aliquid finxisse putet, non est itaq; a veritate alienum Anglorum Reges ferociores Scotiæ subjiciendæ, et imperio suo conjungendæ propositum habuisse, et id facile futurum sperasse, cum tamen multum interesset, inter os et offam, ut in proverbio est, neq; exercitus centum millium virorum fortium pro patriæ dignitate se mori destinantium, a quocunq; habitabilis Orbis principe *αναιμακτι* domitus fuisset, Idem tamen Henricus 3us adeo necessariam Scotorum amicitiam putabat, ut duplici affinitate Scotorum Regem sibi Iunxit, Locata Alexandro 2°/ Sorore sua Iohanna, sed cum ea sine liberis discessisset Alexandro 3°/ Alexandri 2i/ filio, rursus filiam suam in Matrimonium dederat, tantaq; fuit inter Reges postea amicitia ut Alexander Henrico in eo bello quod contra Simonem Comitem Montisfortis et suos Barones gesserat decem Scotorum millia in auxilium miserit, ut etiam meminit Stous, qui, cum belli onus sustinerent (ægrius in suos pugnantibus Anglis) pene omnes cæsi sunt, posteaq; quinq; hominum millia ad domandos Wallos ei in auxilium misit, et Ipsi Alexandri 2i/ filiam secundo genitam in Uxorem Duxisset nisi primogenita, antea minoris dignitatis viro fuisset elocata, hæc Hovedenus.

fol. 40.

Alexr. Rex Scotorum bis auxiliis Henricum Angliæ Regem juvit.

Edwardus Primus cum soboles Alexandri 3ii/ defecisset, præter unam neptem Margaretham Regis Norvegiæ filiam, ejus nuptias cum hæres Regni Scotiæ esset, omni cura ambivit filio suo Edwardo Secundo, tantum abfuit, ut Iure superioritatis in Scotiam ejus elocandæ potestatem aut pretenderet aut sibi arrogaret, speciosus prætextus obtendebatur ut totius

fol. 41.

Eduardi I. in Scotos bella et Successus.

Insulæ imperium in unum contraheretur, cujus divisio antea, infinitis calamitatibus occasionem peperisset, extant adhuc apud nos illius Contractus tabulæ, in quibus expresse cautum est, ut nullis ex Edvardo 2°/ et Margaretha utriusq Regni hæredibus Liberis relictis Scotia sui Iuris et libera relinqueretur, nec quicquam Iuris Anglus in futurum in Scotiam prætenderet, sed fato prærepta Margaretha conjunctionem illam interrupit, Tum quod affinitate fieri non poterat, Edvardus armis tentandum ratus, dissentientibus inter se de Regni successione proceribus Scotorum, quorum partem ad se sordibus traduxerat, mirum quas tragedias excitavit; Itaq cum pro Scotiæ hominio quod sibi opinionis errore effinxerat bellum excitasset funestissimum utriq populo, in eo ducenta Scotorum millia cecidisse Angli Scriptores tradunt, nec a vero abhorret, circiter centum Anglorum etiam millia periisse, cum toto eo bello Scoti victores extitissent, nam in ea sola expeditione, quam Edwardus Regis Roberti frater in Hiberniam susceperat, pro suscipienda illius Regni Corona triginta Scotorum millia cecidisse Anglorum quindecem meminit Polydorus,[a] utcunq est in prælio apud Variam Capellam et Dumbarrum et etiam Bervicum plura Scotorum millia occubuerunt, quam vel ad Trebiam, vel Trasimenum Lacum, vel ad cannas Romanorum, nec tamen his malis Scoti quicquam de proposito remiserunt, sed sobolescente nova quotidie Iuventute, eaq ob præteritas clades ferociore, non destiterunt, donec Anglum finibus suis ejecissent, Mortuo enim Edwardo primo, qui Scotorum malleus dictus est, Succedens Edwardus Secundus ejus filius, Licet animi magnitudine patri non minor, bellum non eadem fælicitate continuavit, mutata enim cum duce fortuna ipse in Scotia gravissimo prælio victus est et in Angliam bello translato bis apud Eboracum Castris exutus. Duo miranda a Roberto Rege in sua suprema voluntate Commendata sunt posteritati, Unum, Ut nunquam pax cum Anglis (ultra triennales inducias) contraheretur, nam Licet Anglorum vires probe noscet, toties cum eis congressus, tamen hanc quam Iactitant potentiam quanti fecerit, quamque parum ab ea suis metueret, tamen facile cuiq est conjicere ut magis suis ex Dissidia, quam a Bello timeret Periculum. Alterum quod cum

[a] in Eduardo 1°/.

Edwardus 2s. victus et Scotiæ possessione ejectus.

fol. 42.

idem Rex Robertus decies et ter cum Anglis signa contulisset, totiesq; victus esset, tamen tanta erat animi magnitudine, ut licet ob infælicitatem derelictus, et paucis comitatus signa decima quarta vice, non dubitavit manus conserere, quod cum ei fæliciter successisset, pluresq; ad eum accurrissent, adeo favore omnium subnixus est, ut bis in Scotia cum Edwardo secundo signa contulerit, et in Angliam postea mox translato bello bis eum apud Eboracum castris (ut dixi) exuerit, tandem cum eventus illius belli velut æquus Iudex unde stabat Ius ei parti; Victoriam dederit, fessa continuis præliis et populationibus utraq; parte, pax convenit, iis Legibus, ut Scotia sui Iuris relinqueretur, et Edwardi Regis filia daretur in matrimonium Davidi Scotorum principi, et Roberti Regis primogenito, Nihil tamen hujus affinitatis vinculo retentus, Edwardus 3us/ Scotiam et ipse bello aggressus est, ut eam sue ditioni subjiceret. Et licet in prælio Dunelmensi Scoti maxima clade fusi fuissent, capto etiam Rege Davide, non tamen ab armis cessatum: nusquam enim minus quam in bello eventus respondent, et per raro quo putantur evadunt, quorum is fuit finis, ut post sexaginta sex annorum continuum bellum, Scotia suis Legibus et Regibus Libera relinqueretur; ita utriusq; regni conjunctio seu potius Scotiæ subjectio, ab his tribus ferocissimis Regibus armis frustra tentata est, Licet utroq; Edwardo 1°/ et 3°/ clarissimis victoriis, adversus Gallos, Hispanos, Italos, et Wallos inclyto et memorabili; neque enim erat in fatis ut Vis aliqua, conjunctionem illam contraheret, aut ut Scoti armis in potestatem Anglorum venirent; non enim unquam fida, aut Sincera ea amicitia, quippe ut violenta fuisset, sed ea demum fida est, quæ favore et benevolentia contrahitur, ut ait Virgilius

Edwardus 3s Scotiam sui juris relinquere coactus.

fol. 43.

. . . Paribus se legibus ambæ
Invictæ Gentes, æterno fœdere jungant.

Alterum genus conjunctionis restat cum ex contractis affinitatibus mutuis successurus in utrumq; Regnum speratur, in quo genere, quale fuit prudentissimorum Regum Angliæ propositum, facile ex sequentibus colligemus.

Affinitatib: invicem junctæ ut ex iis aliquis tandem nasceret3, qui in utrumq; Regnum succederet.

Iacobo Primo, cum adhuc captivus in Anglia esset, stantibus inter utramq; gentem induciis, cum neq; Henricus 5us/ filias

haberet, neq, Sextus, data est ei in Conjugem, Ioanna Somersetensis Ducis filia proxima, ex stirpe Lancastria, quæ tum Regnabat, ex quo matrimonio natus est Iacobus 2[us] et qui ei in Regno Scotiæ successerunt, qui vere principes Lancastriæ Familiæ dici possunt, sed cum Edwardo Quarto Eboracensis familiæ hæredi successio Regni postea fuisset adjudicata, is suam filiam primogenitam Iacobo 3° Dispondit, sed illud matrimonium morte ejus interceptum, Richardus 3[us] qui ei successerat etiam affectavit, extant utriusq, matrimonii tabulæ dotales apud Grastonum (*sic*), sed cum illæ in irritum cecidissent, tandem fælicioribus auspitiis prudentissimus princeps Henricus 7[us] Licet multi in Europa potentiores viderentur, qui ejus primogenitam summo studio ambirent, Omnibus tamen Iacobum 4[um] Scotorum Regem præposuit seu quod ejus amicitiam potiorem duceret ob viciniam, seu quod ex eo matrimonio, utriusq, Regni adunationem, sive unionem jam tum animo præsagiret, et cum Angliæ proceres, et Regii consilii potentes ei ante oculos subjicerent, ex quatuor Liberis (tot enim habebat) Arthurum valetudinarium esse, ambiguam et incertam ex Henrico, qui postea Octavus dictus est, spem successionis et fieri posse prædicabat si sine Liberis in fata decederet, aut si ejus Liberi prolem non relinquerent ut Ius Coronæ Angliæ ad Scotos devolveretur, ille nihil cunctatus respondit, Et quid inquit ille, (si tale quid evenerit) Anglia detrimenti caperet, non enim Angliæ ad Scotiam, sed Scotiae ad Angliam tanquam partem Britanniæ Digniorem accessionem futuram, ut in Normannia antea factum est, An non hunc sapientissimum Regem de Liberis ex eo matrimonio suscipiendis cogitasse, et etiam prædixisse dicemus qui in utrumq, Regnum tandem succederent.

Regium Hen: 7: pactum in matrimonio Inter Ia: et Margaretam filiam Contrahendo.

fol. 44.

Successit ei Henricus 8[us] filius, qui cum eo tempore mascula prole destitueretur, Mariam filiam et tum Angliæ hæredem apparentem ut vocant, Iacobo 5[to] Regi despondere satagebat, ut ex duobus Regnis, unum imperium potentissimum ut ait Polydorus conficeretur, Res utriusq, Regni proceribus placuit, sed negotio Iam ad exitum expectatum tendente, cum Henricus repudium Romanæ tyrannidi misisset, et Ecclesiasticorum bona in suum patrimonium convertisset, et hoc ejus factum Ecclesiastico ordini apud Scotos summe displiceret, verenti ne

Henrici 8[i] studium et Cura de utroq, regno Conjungendo.

eo contagio ut vocabant, Scotorum Rex inficeretur, et idem apud suos animo conciperet, Iacobum ab eo matrimonio cum heretico ut asserebat, et a summo pontifice sacris interdicto, averterunt; polliciti Regis potentioris filiam primogenitam ei in Matrimonium, quod et præstiterunt; sed cum ea mox fato functa, Henricus a Sancto et Salubri toti insulæ consilio, non desisteret, et Iam colloquium Eboraci, ab utroq Rege constitutum, quod tamen ab Iacobo Rege non servatum est, (nam Ecclesiastici ne ex eo colloquio eorum res corruerent, Iacobum a colloquio, licet convento, dissuadebant) maximo reipublicæ Scotiæ malo, Henricus enim Ludificari se indignatus, bellum accerrimum Scotiæ intulit, cujus is fuit exitus, ut Iacobus anxietate rei, male apud Solveium amnem gestæ, correptus, subito fato cesserit, relicta unica filia Regni hærede, et cum Henricus unum tantum filium haberet, maximæ spei et expectationis principem, remissis armis, de Connubio agere cæpit, et aliquot Scotorum proceres captos apud se (ut eorum favorem demereretur) omnes sine præcio in Scotiam remisit, acta res apud Scotos est, et adjuvantibus partim qui sine præcio redierunt, partim qui melius e re Scotiæ elocari principem suum non posse vere crediderunt, matrimoniales tabulæ *fol. 45.* tandem confectæ, paxq in Eternum coitura videbatur, sed huic fælicissimo cæpto, idem qui prius Ecclesiasticorum ordo obstitit, immo eo acrius quod quicquid Romanæ superstitionis a patre relictum erat, Edvardus sustulisset, inde bellum natum, et ad Pinquinum clades memorabilis accepta, Sed cum Scoti licet Gravissimo prœlio victi, nihil ex proposito remitterent, iisdem incendiariis faces undiq subjicientibus edictum publicum ab optimo principe, et ejus prorege, et omnibus Angliæ ordinibus promulgatum est, quo piissimus Rex Ecclesiasticorum Calumnias eluebat, nec se ex eo conjugio Scotorum Regnum petere asserebat, ut eos servitio premeret, ut falso Ecclesiastici prætenderant, sed tantum ut utriusq Regni fiat conjunctio fælicissima, æqualitate utriusq servata, et communicatis utriusq Regni commodis, utriq populo, nec recusarent, depositis veteribus odiorum nominibus, Britannorum nomen, quod utriq populo commune erat induere, extat edictum illud de quo fortasse postea latius.

Cum Eduardo 6to unio Contracta, contrariæ factionis studio Dissoluta.

Sed sublato Edvardo, prior ejus Soror Maria successit, quæ

De Maria Regina.

cum sobolem speraret. cui Regni successio poterat deferri, nuptias sequuta est. sed ita tamen ut quod maxime utriusq. Regni conjunctionem poterat impedire. tolleret. nam cum publicis omnium Ordinum Angliæ comitiis. potestas concessa fuisset, Henrico 8° deficientibus ex suo corpore Legittimis Liberis, is succederet quem ille testamento (quod mirum) successorem designaverit. et supposititium testamentum produceretur. quo ille moriens deficientibus suis Liberis Mariæ secundo Genitæ Sororis discendentes substitueret Exclusis Margarethæ prioris Sororis Liberis. Regina Maria non solum testamentum illud supposititium falsi damnari curavit Legi-

fol. 46. timis probationibus deductis. sed e libris Cancillariæ etiam deleri. quo facto aditum majoris amitæ. discendentibus ad successionem patefecit. a qua per supposititium illud testamentum excludebatur [*sic*]. quo quid majus. et ad utriusq. Regni conjunctionem utilius facere et testari potuit non video.

Diva Elizebetha Regina.

Postea fælicissime memoriæ Diva Elizebetha Regnare cepit, quæ cum Etate esset integra et forma nulli secunda. a plerisq. maximis Europæ principibus petita. constantissime omnes aversata est. ejus crebræ voces auditæ sunt. cum de Matrimonio Sollicitaretur, adunationem sive conjunctionem totius Britannici Imperii ei pro matrimonio futuram, et damnum sobolis, utriusq. populi commodis sarciendum quod et evenit, nam ea mortua. successit piissimus princeps. in utrumq. Britanniæ Imperium tanquam utriusq. verus et Legitimus hæres et ipsa hodie Britannia ejus auspitiis in summum non solum securitatis sed etiam fælicitatis culmen evecta.

Hæc ne quis rem novam. nec ulli Anglorum Regum prius tentatam serenissimum principem aggressum putet. sed tantum Majorum suorum. nempe Angliæ Regum vestigiis insistere quos certum est. id semper Animo agitasse. ut ex duobus Regnis unum potentissimum facerent. sed noluit Deus Optimus Maximus. qui solus autor hodie tanti beneficii est, alio tempore nobis beneficium tantum indulgere quam cum evangelii sui Lux. ab utroq. populo fuisset agnita. et recepta.

Quomodo Hispaniæ Regnum in eam quam hodie est. Magnitudinem creverat.

Operi precium est animo evolvere. quibus ut aiunt mediis Hispaniæ Regnum in eam magnitudinem conscendit. ut toti Europæ hodie sit formidabile. ex minimis inquam initiis. et sola aliarum provinciarum accessione. Dum Reges Hispaniæ,

qui multi tum erant, mutuis affinitatibus et successionibus totius Imperii summam ad unum Caput et principem redigerent.

Everso per Arabas sive Saracenos Gothorum in Hispania Regno, et Cæso Roderico, postremo ejus generis Rege, Pelagius unus ex Gothorum sanguine collectis illius Naufragii reliquiis principatum in Gallecia occupavit, ejus Gener Alfonsus, co- *fol. 47.*
gnomento Catholicus, Legionis Regnum a Saracenis recuperavit, et sic cum filiam et hæredem Pelagii haberet conjugem, utrumq; et Galleciæ et Legionis Regnum coaluit in unum, priore potentius, in quod successerunt Alfonsi posteri usq; ad Veremundum, qui cum Liberos non haberet, Sanciam Sororem et hæredem utriusq; Regni reliquit, quam matrimonio sibi conjunxit Ferdinandus primus Castellæ Rex, aut verius Veremundus, Legionis et Galleciæ Rex, sororem suum [*sic*] ei in uxorem dederat, et sic tria hæc Regna, Galleciæ Legionis et Castellæ unico imperio sunt conjuncta, quod Hispaniæ Regnum dici voluit Ferdinandus, cum tamen vix tertia parte Hispaniæ potiretur. facta hæc sunt circa annum Domini 1067 tamen Ferdinandus moriens pessimo consilio et magno Christianorum malo Regna inter filios divisit, nam Sancio primogenito Castellæ Regnum Mariana, Lib: 9: cap: 7. Hist. Hisp. Toletanus, Lib: 6: cap: 13.
Aldefonso secundo Legionis Garciæ tertio genito Galleciæ reliquit, ita dissoluta est, illa trium Regnorum adunatio, conversis Christianorum armis, a Saracenis, et in sese mutuum sevientibus; nam Sancius primogenitus cum fratribus congressus utrumq; Regno spoliavit, et sub unum imperium hæc tria Regna rursus redegit: mansit in eo statu Regnum Hispaniæ usq; ad tempora Alfonsi 7[i] qui et Imperator dictus est; hic dum inter vivos esset Rursus Regnum Hispaniæ inter filios divisit Castellæ Regnum Sancio primogenito, Legionis vero Ferdinando Secundo Genito relinquens, hanc Regnorum divisionem multis argumentis in eo Loco damnat Rodericus Sancius[a] brevisq; ævi futura hæc Imperia divisa affirmat, cum Imperia unitate firmentur, et Sapientis dictum pro se adducit, propter peccata populi multi sunt ejus principes, sic propter Scelera Salamonis, Regnum Israelis divisum est, præterea facilius Regni partes occupari ait, quam si totum sub uno imperio coalescat, et præterea quod in Libro Regum Scribitur unum virum quæras et totus populus erit in *fol. 48.*

[a] Lib: 3: cap. 31. Hist: Hisp:

pace, hæc et his similia multa eo Loco Sancius; sed rursus hæc trium Regnorum divisio, in Ferdinando Alfonsi Regis filio coaluit, et restaurata est, prior horum Regnorum conjunctio et facies; nam patri Alfonso successerat Ferdinandus tertius in Regno Legionis et in Regno Castellæ, per Berengariam matrem suam; primogenitam Alfonsi 8i/ Castellæ Regis circa annum Domini 1232 et Hispaniæ Imperium cum summa omnium subditorum Lætitia et Gratulatione restitutum, et nunquam postea ut putat Sancius dissolvendum; sed non Contenti his Incrementis, Hispaniæ Reges, ut reliquum Hispaniæ uno Imperio illigarent, omne studium et curam intenderunt, captatis undiquaq; occasionibus. Successerat Majoribus suis Isabella in Regna, Castellæ, Legionis, Galleciæ, et etiam Hispaniæ et eodem tempore Ferdinandus 5us/ qui Arragoniæ, Valentiæ Balearum Insularum in Hispania, Siciliæ et Neapolis extra Hispaniam Rex erat, non cessatum ab Hispanis est, donec hi potentissimi principes inter se matrimonio Iungerentur, ut qui ex eo nascerentur in omnia hæc simul conjuncta tanquam in unum Imperium succederent, stante inter eos Matrimonio, Granatæ et Navarræ Regna a Ferdinando armis parta sunt, et sic tota Hispania, præter Solam Lusitaniam, in unum Imperium sive Regnum concrevit. Non his contenti, Ferdinandus et Isabella, etiam ad Lusitaniam quæ sola defuit adjungendam, animos adjecerunt, Nam cum ex matrimonio inter Ferdinandum et Isabellam filius Iohannes Natus esset, eum adhuc impuberem, Alfonsi Regis Portugaliæ filiæ desponderunt, ut sic qui ex eo Matrimonio natus esset, toti Hispaniæ Imperaret, sed Iohannes impubes fato cessit, nullo fratre relicto, nec tamen ejus interitus Ferdinandi et Isabellæ propositum de tota Hispania unico imperio conjungenda minuit, nam primogenitam omnium suarum filiarum, cui jure tot Regnorum Successio debebatur, Emanuelis Regis Lusitaniæ filio elocarunt, ut qui ex eo Matrimonio nasceretur, in totius Hispaniæ Imperium Succederet, ex quo Matrimonio Natus est, Michael princeps Lusitaniæ, in quo omnium Hispaniæ Regnorum conjunctio et unio Sperabatur, sed eo etiam in tenera ætate extincto, matre antea fatis cedente, spes illa evanuit, et omnium Regnorum quæ ad Ferdinandum et Isabellam pertinebant successio, ad secundo Genitam devoluta est, quæ Philippo

Successio Castellæ et Arragoniæ.

fol. 43.

Quomodo omnia Hispaniarum Regna in unum potentissimum coaluerint.

Austriaco Belgii tum principi nuptum data est, ex quo Matrimonio Carolus 5us/ Cæsar totius pene Hispaniæ Siciliæ et Neapolis Rex natus est; nec tamen spes conjungendæ adhuc Portugalliæ reliquis Hispaniæ Regnis deposita, nam Carolus Emanuelis filiam natu maximam in Uxorem duxit, ex qua natus est Philippus 2us/ qui et eo nomine et tanquam hæres proximus Emanuelis et Avunculi sui Iohannis Emanuelis filii Regni Lusitaniæ successionem sibi vendicavit et accepit; Prætereo Philippi 2i/ nuptias qui rursus Iohannis Regis Portugalliæ filiam conjugem accepit, cum ex eo matrimonio nulli Liberi superessent; nam Carolus princeps Hispaniæ, qui solus ex eo matrimonio susceptus, clam e medio sublatus est, sed eo matrimonio perpetuum Hispaniæ Regum studium manifestum est, unum et illud quidem potentissimum ex multorum aliorum Regnorum conjunctione Imperium proposuisse conficere, affinitates affinitatibus cumulando, donec hodie sua magnitudine et mole, non solum suis securitatem attulit, sed etiam proximis Regibus immineat, et sic duodecem quondam Hispaniæ Regna Castellæ, Leonis, Arragoniæ, Portugalliæ, Navarræ, Granate, Wallentiæ, Tolleti, Galleciæ, Algarbiororum, Murtiæ, Cordubæ, in unum Longe potentissimum coaluerunt. Quid ergo prohibet, quo minus Britannia iisdem Gradibus et mediis in Summum dignitatis Culmen ascendat, quibus Hispania, sane ejus potentiam hac conjunctione crevisse, nec minus formidandam exteris Regibus, quam Hispanicum Imperium, nemo ut opinor ambiget; dies me deficeret si omnium *fol. 50.* annalium et Regnorum exempla percurrere velim quibus Certum est ut maxima Imperia divisionibus et Distractionibus in ruinam præcipitata, sic mutuis affinitatibus et successione restituta: hæc tantum ut neminem Lateat, idem fuisse clarissimorum Regum Angliæ institutum, quod et Hispaniarum Regum, nempe ut ex Regum perpetuis affinitatibus, tandem prodiret, qui utroq; Regno potiretur; et sic veterem dignitatem et potentiam Britanniæ restitueret, quod eorum institutum, ut ex summo Iudicio, sic ex pietate, et summa in populum benevolentia conjunctum, serenissimus princeps Iacobus tanquam verus patriæ sive utriusq; Regni pater, et tanquam verus Majorum suorum successor, in omnibus sequi destinavit, salubri sane consilio, et cum Britanniæ Salute et

dignitate conjuncto, in qua (si usquam terrarum) Unius principis Monarchia, ad ejus quietem, dignitatem, immo et Salutem tuendam et conservandam requiritur.

Continuatio Sanctissimi Regis propositi, et de Conventu Procerum utriusq; Regni Londini dudum habito

CAPT: 4.um

Nihil igitur novum, neq; suo nomine indignum fecit serenissimus princeps, si Majorum suorum vestigiis insistens, tanto studio et diligentia in hanc utriusq; Regni associationem, sive
fol. 51. unionem incubuit, non solum ut utriusq; Gentis perpetuæ quieti et Saluti consuleret, sed etiam ut unicum pietatis hodie inter omnes Europæos principes vindicem decebat eniti voluit ut Dei optimi maximi favorem benedictionemq; a quibus Regnorum Stabilitas pendet, et execrationis præteritæ Liberationem possit suæ Iam Britanniæ procurare; Quod ego in hoc negotio primum et præcipuum puto, Licet levia fortasse
Deus benedicere se promittit se invicem diligentibus
hæc improbis hominibus videantur, certum tamen est, Deo Concordiam, benevolentiam, et amicitiam placere et suis Commendari; præcepit enim Dominus noster paulo antequam pateretur Discipulis suis ut se invicem diligerent, quemadmodum et ipse eos dilexerat, et qui nomen Christianorum profitentur se invicem mutuo amore prosequi debent, ex hoc
Io: 13: enim ait Dominus Scient homines vos meos esse discipulos, si vos invicem diligatis, et in eodem sermone conversus ad patrem, non solum ait pro his oro; sed pro omnibus qui in me ex eorum prædicatione sunt credituri, ut illi omnes unum sint, ut ego pater tecum in unitate sum, et tu in me, ut illi etiam unum sint in nobis, et postea, ego in ipsis, et tu in me ut omnes perfecte in uno sint, et Mundus me a te missum
Io: 17: v: 20: sentiat; quibus verbis quam hæc Unitas hominum Domino grata sit Commonstrat, hinc fraternæ amicitiæ in unum
Psal: 133. cohabitanti, cum eam Laudibus extulisset, se benedicturum promittit, quod si hæc quasi levia quis contemnat, saltem
Deus eos Execrat; qui sanguine gaudent.
Domini execrationem audiat et metuat, is enim terram in qua

sanguis humanus funditur execratur, At quot in Brittannia ad internecionem exercitus cæsi, quoties polluta sanguine humano terra ad Deum ut ulciscatur, clamavit, præterea hominem qui sanguinem effuderit abominatur Dominus, nec dimidiaturos dies suos in terras homicidas minatur, Immo execratur dominus omnes eos quorum pedes ad effundendum Sanguinem humanum sunt veloces et Gentes propter impietates et Scelera sua evertendas minatur Dominus. Cupit itaq; serenissimus princeps cum Davide Britanniam suam a sanguine liberare, execrationem avertere, benedictionem quibus potest modis procurare, satis enim hactenus odiis, scelere, sanguine et incendiis certatum putat, enitendumq; in futurum utriq; genti utra officiis, humanitate et pietate tam in deum quam in homines sit prior, nemo enim sanæ mentis est qui hoc genus certaminis priori Longe non anteferat; quis enim est qui non pacem bello, amorem odio, quietem tumultibus, æquitatem furori, beneficia injuriis, non præferat, qui non potius se salutari ab occurrente quam gladio peti, qui non invitari ab hospite, quam excludi mavult? Amicitiæ ut in proverbio est immortales, inimicitiæ autem mortales esse debent, Itaq; unionem hanc (nam hæc vox jam recepta est usu, a Canonistis deducto) nemo est qui non probet, et verbis saltem amplectatur, nam quæ ex hac unione procedet, mutua concordia mater omnium virtutum est, et seminarium bonorum omnium, et tale bonum sine quo nemo sua bona novit.

[Margin: Deut: 32. Genes: 4. Psal: 55. Rom: 3. *fol. 52.* Isaii. 59, 7. Prov: 2: 26. Hosea, 4: 3. Deut: 9:]

Sed profecto in hac unione, admiranda cuivis videbitur Dei providentia, qui eam a Capite incipere, et per membra derivatam Consummare et perficere voluit, quotquot enim Britanniam qua provincia Romana fuit, gentes unquam occuparant, earum omnium jura et titulos in serenissimo principe collegit, et univit; ut si quod vitium antea in Regnorum initiis et fundamentis stabiliendis sit contractum, id omne hodie in serenissimi principis persona sit expiatum; Lacerato et per partes corruente suo Imperio Romani, Insulam cum tueri non possint, a Scotorum et Pictorum injuriis eam pro derelicta habuerunt, Itaq; Ius suum omne in Scotos et Pictos transtulerunt, cum res pro derelicta habita occupantis Iure Naturali fiat et quasi a derelinquentibus occupanti per manus traditur saltem in veteres Britones a quibus per vim abstulerant, Ius suum

[Margin: Omnium quotquot Britanniam unqm occuparunt Tituli et jura in Serenissimo principe unita consederunt. Tit: Institut: de Rer: divis: *fol. 53.*]

devolverunt, electus a Britannis sive Britonibus Rex Aurelius Ambrosius, ex veteri prosapia Britannorum, qui in Armoricam trajecerant, et quia fæliciter hostes uno aut altero prælio fudisset Regnum ei et ejus Stirpi confirmatum; fusis tamen aliquot præliis postea Britonibus, et tanto bello sustinendo imparibus, Saxones Gentem fortissimam stipendiis ut se Iuvarent Invitarunt, sed levia erant quæ a Scotis et Pictis perpessierat [*sic*] Britones sive Britanni præ iis quæ a Saxonibus stipendiariis suis sustinuerant, nam cum ubertatem Insulæ Saxones percepissent, et quam insolentes Britones seu Britanni ad bella, tanquam paci et quieti dediti essent, evocatis omnibus, quibus res Angustæ in Saxonia erant, quasi ad certissimam prædam, arma in ipsos Britannos, quos tuendos susceperant, converterunt, eosq; sedibus patriis et Regno expulerunt; fuerunt ergo Ambrosii Aurelii posteri et successores in Regno Angliæ nefarie patrimonio suo exuti, Licet aliqua pars Regni eis aliquamdiu remanserat, hujus Aurelii Ambrosii duæ

Galfridus monumetens:

sorores Anna et Ada Regibus Scotorum et Pictorum elocatæ sunt, ad quos saltem ad eorum posteros vera Britannici Regni successio devoluta est, deficiente virili stirpe Legitima Aurelii et ejus fratris Uteri, cui a pendentis Draconis insigni nomen tributum est, prout postea brevi defecerat, et sic successio vera sceptri Britannici ad posteros Annæ et Adæ Sororum Aurelii ipso Iure pervenit, et per eos ad Scotos et Pictos derivata, proinde Mordredus ex Anna Nepos Aurelii, Pictorum Rex, accito ex fœdere Scotorum Rege necessario suo, cum Britanni Extraneo successionem Regni negassent, ab armis subsidium quæsivit et tam funesto prælio cum Britannis concurrit ut cæsis utrinq; ducibus, et Supra triginta millibus hominum, ad sua Scoti et Picti Licet victores exercitibus tamen male

fol. 54.

affectis, redire sunt coacti, relicta Britanniæ possessione pene vacua Saxonibus, qui utramq; gentem sic affectam conspicati, occasionem præstolantes cum novis Copiis advolarunt. Mansit tamen Ius Regni Britannici in Mordredi posteris (quemadmodum adhuc in Eduardi 3^{ii}/ progenie Ius Regni Franciæ) donec ad Hungum Regem Pictorum perventum, cujus filia cum Scotorum Regi nupsisset, et alii liberi ex Hungo nulli superessent, ad Scotorum Regem non solum Pictici sed etiam Britannici Veteris Regni Ius devenit, sed cum Picti eadem

pertinacia justum hæredem Recusarent, qua antea Britanni, tanto ardore certatum est, inter Scotos et Pictos, tot antea inter se fœderibus et affinitatibus conjunctos, Ut Pictorum cum Regno nomen deletum est, solo a Scotis occupato; et sic cum Scotus ex Ada secunda genita Aurelii Ambrosii procreatus fuisset, et in Ius majoris natu sororis ex Pictorum Linea successisset, verus Britannici sceptri hæres factus est, Scotorum Rex; quod etiam jus in ejus posteris, nempe serenissimo Britanniæ Rege perpetua serie sine ulla interruptione continuatum est ut adhuc consistit.

Scotorum Rex verus Britannor7 veter7 Rex

Ad Saxonum gentem redeo, hi occupata insulæ parte meliore, Heptarchiam ibi a principio statuerunt, in eaq; aliquot seculis continuarunt, donec tandem tota Heptarchia in unum potentem [*sic*] Regnum sub Egberto coaluit, hujus Saxonici Regni ut initium, sic nec progressus suo vitio caruit, et ut Iurisconsulti loquuntur, vitio reali fuit affectum, prætereo Lanienas in Heptarchia Commissas, cum unus Heptarcharum, alteri semper Regnum cum vita eriperet, ipsum initium ex violentia, ne quid durius dicam, Natum, cum fuisset vitiosum, etiam Deo ultore Iustissimo exitum non indignum habuit. Primo enim ea pars insulæ quæ Anglia ab Ina sive Egberto dicta est a Danis et Norvegis expugnata est, Regnaruntq; in ea Dani (etiam volentibus saltem non invitis Anglis) Legitime in Regnum Co-optati, viginti et novem annos, vel ut alii *fol. 55.* volunt viginti septem, nec armis victi, titulo cesserunt. At Danorum si quis titulus in Regno Angliæ fuit, et is in principis serennissimi personam coaluit, cum solus ex illius Canuti stirpe supersit, qui Angliam sibi subjecerat, ut ex Crantio quilibet facile colliget, sed in Edwardo Regnum Angliæ suis Regibus restitutum est, hujus verus hæres erat Edgarus Ethelvigus [*sic*] ex fratre Edmundo (cui ob insignem fortitudinem a ferreo Latere cognomen inditum est) nepos, et eo sine Liberis decedente (quod et evenit) ad Margaretham ejus Sororem, quæ antea Malcolmo Scotorum Regi nupserat pervenit: et per eam non solum successio Regni Anglici, sed etiam ejus nobilitas pene tota in Scotiam concesserat, ut omnes Anglorum Historici testantur, at Conquestor armis potior, non invitis Anglis, ut quidam volunt, ut ea accessione a vi Danorum et Norvegorum, qui tum arma moliebantur,

Danor7 Ius si quod habuerunt etiam in serinissim7 principem devolut7

essent tutiores, Regno potitus est, cujus et posteri usq; in hunc diem fælicissime regnarunt, excluso Anglorum Regum vero sanguine, et Iure, quod ad Scotos per matrimonium illud, ut dixi, transiit, et in Sobole illius matrimonii nempe serenissimo principe, qui solus legitimus et verus Anglici sanguinis hæres superest adhuc conquiescit, et ita Romanorum et trium Linearum Regiarum Britanniæ veteris, Saxonicæ sive Anglicæ, et Danicæ quæ singulæ Ius ad Angliæ Regnum prætendebant, successio in serenissimo principe coaluit.

Saxonici Regni Serinissimus princeps solus Legitimus successor.

Normannici Sanguinis verus Heres idem princeps.

Superest Ius Normannorum quod Licet pene sex Seculis continuatum, tamen nec illud suo vitio caruit, nam nihil est tam Iuri, sive Iustitiæ contrarium, quam vis et violentia, nec ullum Ius certum in Anglia poterat Conquestor prætendere, nisi quod armis sibi peperit. Attamen qualecunq; ille habuit, et id in Serenissimi principis personam non solum devolutum est, sed etiam omne ejus vitium, purgatum est, ut Iurisconsulti loquuntur, cum res rediit ad verum hæredem et dominum suum, cui ex Iure debebatur, et sic omnium nisi fallor Gentium, qui Angliam vel armis vel titulo aliquo præscriptionis, diuturnæ occuparunt, jura hodie in Serenissimo principe concreverunt, at ille quam titulorum et Iurium adunationem sive unionem accepit, volens inter membra destribuere, et hanc unionem omnibus numeris absolutam et perfectam redderet [*sic*], in illud omni cura nititur, Ut hæc unio omnium ordinum utriusq; Regni statuto sanciretur, utq; securus suorum Scotorum, quos pronos Sciebat, rem in Comitiis publicis Angliæ quæ in mense Iulio anno 1604 Westmonasterii habebantur proponi curavit, et tamen nihil potuit obtineri, nisi ut viri rerum gerendarum periti utrinq; diligerentur, qui de Capitibus hujus unionis et quibus legibus Sancta et æterna esse possit, inter se conferrent; Locus huic conventui destitutus Londinum est, in illud evocati aliquot Scotorum proceres et viri in rebus gerendis et Doctrina Spectati, ut cum delegatis, ab ordinibus Angliæ, Invicem sermones conferrent, de Commodis et incommodis hujus unionis et quibus modis et vinculis possit indissolubiliter contrahi, ut ex horum virorum colloquio, quid rei gerendæ maxime conveniret, quid obstare possit deprehenderetur, quo illud omni Studio Nobilissimus princeps procurare possit hoc amoliri, hæc tantum ut παρασκευης Loco ad majora et Graviora essent ut

fol. 56.

cera imprimendo Sigillo destinata prius ut molescat, solet hominum manibus pertractari, erant tamen (cum nihil tam Sacrum sit, quod non ut ait Seneca Sacrilegium inveniat, nihil tam pie et Sincere factum quod omnium Iudicio probetur) qui nimiam in hoc colloquio Contrahendo, principis optimi curam et diligentiam non probarent, et frustra tot sumptus, et Labores impensos dicerent in id, quod sponte sua nempe Dei Immortalis beneficio jamdudum absolutum et perfectum erat, cum Diva Elizabetha inter homines esse desiit, alii nihil *fol. 57.* factum in ea putant, quod firmam et solidam concordiam induceret, sed relicta pleraq;, et ea maximi momenti quæ exulceratos utriusq; gentis animos rursus exasperare poterant, utrorumq; rationes excutiendæ sunt, quoniam optimi principis Sanctissimum propositum videntur convellere. Priores pro se hæc adferunt. Ex quo post fata Divæ Elizabethæ omni memoria dignissimæ, unus utriusq; Regni Dominus Ligius effectus est, et Serenissimus princeps in Regnum Angliæ omnium ordinum consensu evocatus et coronatus est, præcipue postquam publicis omnium ordinum Comitiis ejus ex Iure successio publico statuto confirmata est perfecta et absoluta utriusq; Regni unio contracta est, cum id perfectum in Iure dicatur, quod omnibus suis partibus constat, et cui nihil addi vel demi potest[a], nam ea fato suo functa, Lex divina, Ius naturæ, omnia Iura tam civilia quam municipalia Regnum Serenissimo Principi tanquam vero et Legitimo ejus hæredi deferebant, eumq; Dominum constituebant. Populi consensum ut neq; ad veri Regis et Domini ejurationem, sic neq; ad Ius in aliquo constituendum sufficere omnes Scimus, cum Principes ad Sceptra a Domino per Legitimam Iuris successionem vocentur, Licet populi consensus tanquam a summo illo fonte procedens, qui omnia ad suum destinatum propositum operatur, Sepissime requiratur ut in serenissimo Rege accidit, qui cupidissimis omnium votis a suis in Angliam ut regnum in se reciperet accitus sit, sic ex ipso Divæ Elizabethæ fato in serenissimi Regis persona unio hæc perfecta et consummata fuit, et utriusq; Regni unus Dominus factus, unanimi utriusq; populi consensu, accedente, et proni de tantis curis, et tanta sollicitudine, in unionem novam incumbere, prioris est unionis vim *fol. 58.* in dubium vocare, quasi ea ad id quod intendimus non

[a] L: I: de Origine juris.

suffecisset; quid autem sufficiet, si sacramenti Relligio non suffecit, aut quod erit humanæ societatis vinculum, si Dei immortalis Leges quibus ad Monarchiæ hujus successionem serenissimus princeps vocatus est homines non teneant, si natura cujus jus et characterem secum serenissimus princeps circumfert, non moveat; Si Lex, si Ius gentium, si Ius regni municipale sive positivum; homines in officio non contineat, quid est quod eos vincire et contrahere sub Iusto Imperio potest; itq; [*sic*] frustra tantam operam in re satis Iam ex se et in se confirmata et perfecta, sumi putant, et nova hæc repagula prioris unionis vincula perrumpere et confringere aiunt. Prior ut aiunt ex successione unio si principis ipsius personam respiciamus firmissima est et perfectissima, et cui ex jure nihil addi potest, quoad subditos, nullo enim novo vinculo principi devinciri possumus, Vassalli omnes Ligii et Subditi sumus, qui bona omnia Vitam, et si quid Carius inter homines vita esse possit pro Domini salute dignitate, fama, et fortunis debemus profundere, quam obligationem Britanni omnes Ligeantiam qua subditi ligii, Domino suo ligio ligantur vocant feudistæ Iuramentum fidelitatis, hominium sive homagium, quo nullum firmius nullum sanctius inter homines vinculum esse potest; nam sive Iuramentum Ligeantiæ præstitum sit, sive non, in jure semper pro præstito præsumitur; et præsumptio Iuris est et de jure illud prestitum esse; Utcunq; est, ita subdito inheret ut semper cum [*sic*] afficiat semper teneat, nec ulla non prestiti Iuramenti exceptio admittitur; Itaq; nequeunt utriusq; Regni Vassalli domino suo tenaciori vinculo astringi, quam illo ligeantiæ, sive fidelitatis Sacramento; si

fol. 59. autem Britannos ipsos spectemus, subditosq; ipsos inter se componamus, prior illos omnes in Societatem immo in unum Civitatis corpus contraxit, nam ex jure, si unus et idem

Vassalli omnes unius domini Ligii parib: privilegiis gaudent.

Dominus duorum vel plurium feudorum factus sit, jam inter se sunt convassalli, pares curiæ sive curtis et pares domus sive compares, Immo conjuges, et sub eodem jugo Ligati dicuntur, et quasi *συμααχοι* [*sic*] vel *συζυγοι* et qui hæc feuda, immediate sub Domino Ligio tenent, fungendo munere Iudicandi et omni alio privilegio habiles et capaces redduntur,

Balduin. in Cap: I: § Si Controversia.

quibus verbis Iurisconsulti significantissime, quæ convassallorum sub uno domino conditio esse debet declararunt, nempe

pari dignitate, paribus Iudicandi muneribus et æqualibus per omnia privilegiis frui ex Iure et consuetudine debere, sed in hoc postremo consessu qui tanto apparatu Londini convenerat, dissipatam potius unionem, quam contractam calumniantur, cum multa uni populo Liceant, quæ alteri non. Item multa hinc prohibentur, quæ alteri permittuntur, quod quamdiu durayerit, Iuris unionem perfectam ipso Iam facto disjungi aiunt, nihil enim tam contrarium Regulæ est, quam exceptio, nihil Unioni quam differentia et Distinctio.

Alii etiam nihil in eo Gravissimorum hominum congressu factum putant, in quinq; tantum aut sex capita conventum, quæ etiam sine tantis molestiis ex se et ex Iure Iam convenerant; nam quod ad hostilium Legum antiquationem attinet, eas omnes ipso Iure Iam esse sublatas praetendunt, et ad eum casum Devenisse (ut Iurisconsulti loquuntur) a quo incipere non poterant, quæ enim possunt tempore futuro hostiles Stare Leges inter eos, cum quibus justum esse bellum non potest, nec unquam poterit, cum Iustum bellum illud tantum sit, cum injuria ab uno populo alteri illata est, si uterq; sui Iuris sit, aut sub diversis principibus ligiis degat, resq; Legitime *fol. 60.* repetitæ, nec redditæ fuerint et Legitima denunciatio, a patre patrato aut a fæcialibus intercedat. At inter eos qui uni domino Ligio parent (ut omnes hodie Britanni) tumultus, seditio, turbæ, nasci possunt, Iustum vero bellum minime; nam si quæ pars injuriam patiatur non armis non vi Iustitiam sibi parabit, sed Domino communi querelam deferre debet de injuria, qui accitis et auditis partibus, jus æqualiter inter eas distribuet, Rebelles et contumaces, mulctis suppliciis et reliquis pænarum generibus coercebit; itaq; Leges hostiles inter eos qui hostes jam esse ex Iure non possunt, cessare necesse est, neq; earum expressa obliteratione opus esse aiunt. De sublatis Legibus Confinium utriusq; regni quod secundum illius quod secundum illius [*sic*] conventionis caput erat ut caveretȝ nihil opus fuit, nam ubi Regni serenissimi principis fines confusi sunt, nec Iam alii fines esse possunt, quam qui ab oceano præscribuntur, ipso Iure qui [*sic*] antea fuerunt Leges Confinium Antiquatæ, Quod vero ad utriusq; Gentis Commercia attinet, et illa antea libera erant, et non solum Scotis cum Anglis, sed etiam Anglis cum Turcis, Arabibus, Hispanis, et Saracenis

hodie sunt communia, qui [*sic*] ex utriusq; Gentis utilitate sunt, neq; enim minus expedit, Anglis res suas distrahi, ut ex pecunia novæ operæ exerceantur, quam aliis eas emere, Immo si penitiꝰ rem perpendamus major venditoris utilitas in his spectatur, qui res suas, et industriam pro pecunia commutant, qua de causa et usq; ad Moschos et mare Caspium et Syriam Angli mercatores hodie navigant, si igitur Domi, sine tanta fatigatione et sumptibus, res suas possunt distrahere, quin meliore Loco sunt [*sic*] eorum res permissis mutuis commerciis ambiget nemo, præterea ex Iure gentium inter omnes homines libera sunt commercia neq; prohiberi possunt sine communi gentium injuria, et proinde Commercii Communicationem *fol. 61.* nihil facere ad unionem, cum ea etiam permittatur Gentibus non solum situ disjunctissimis, sed etiam moribus, Lingua et Relligione diversis, Et quod ad vectigalium sive portoriorum imminutionem spectat, id solius principis esse beneficium, cum solius principis Commodum in eis versetur, itaq; et remissio eodem redit, neq; quod illius (ut multa alia) munificentiæ debemus, id populo et aliis acceptum fateri facile possumus; quod autem postremum Caput in Disputatione fuit, nempe ut utriusq; Gentis esset mutua reconciliatio et naturalizatio, adeo ut Scoti omnes pro Anglis et vicissim Angli pro Scotis in posterum et perpetuo haberentur illud cum quadam Distinctione in medio relictum, quod tamen Disputationis præcipuum erat Caput, saltem illud exceptionibus refertum, ut satius illud fuisset, ab initio intactum præteriisse, quam inter tot dubia tot exceptiones, quæ ex illa Naturalizationis formula concepta vel Lippienti apparent sic controversum et incertum reliquisse, neq; enim fieri posse ubi discrimen ut ibi perfecta sit unio, Interea multa Graviora capita esse præterita, quæ fortasse expediri, e re utriusq; populi magis fuisset, nempe de nominis mutatione, an expediat unum utriq; genti in futurum nomen, de fœdere Gallico quatenus servari salva hac unione possit, cum semper utilitate fides quam Gallo prestitimus prior esse debeat, et ita novas amicitias institui, ne qua vetustior violetur. De Legum quæ inter utramq; gentem diversissimæ sunt conformatione, et Iuris reconciliatione, ut eisdem Legibus et moribus in posterum Gubernentur, de affinitatibus contrahendis de quibus nihil in toto consessu actum.

His ut sigillatim respondeam, et præcipue prioribus qui Unionem perfectam volunt cum Diva Elizabetha fato præ-repta, Serenissimus princeps successerat, verum quidem id puto esse Divæ Elizabethæ mortem, utriusq Regni perfecisse unionem et conjunctionem nec tamen inutilem fuisse illum qui Londini nuper habitus est procerum et Virorum ex utroq Regno selectissimorum Congressum, Cæsares in castris a militibus eligebantur Sed Senatus Authoritas necessaria credita est, ex qua sola Augusti antiquitus salutabantur, et Licet Reges ex successione fiant et Regna uniantur, inauguratio sive Coronatio et Comitiorum Declaratio sæpe necessaria est, nec tamen ita necessaria quin et sine eis Regis Ius perfecte consistat, Ut in Edwardo Tertio qui Licet nunquam inauguratus neq coronatus Rex Franciæ, nec suffragiis Francorum receptus Rex tamen Franciæ Legitimus fuit, nec Eduardus Quintꝰ. Licet in Catalogo Regum Angliæ recenseatʒ unqm Coronatꝰ aut Inauguratus fuit nec omittendum illud ex jure, quod cum hæc statuta hostilia, sunt maxima ex parte prohibitiva viz.: ne unus ex altera gente, alterum consilio, armis, equis annona, aut his Similibus juvet, quæ in robore ut aiunt suo perpetuo stant, donec speciali statuto antiquentur, nec posse generali clausula vel statuto apud Anglos, neq fortasse ex Iure tolli, necessarium fuisse in omnibus his tollendis, et memoria hostilitatis antiquanda, ut omnium utriusq Regni ordinum Comitiis declaretur eas Leges sublatas et Antiquatas esse, Declaratoriam Iuris nostri vocant, quasi Ius antea constitutum quidem et perfectum sit, ad multa tamen ejus declarationem esse perutilem ne quis per errorem in futurum peccet. Occurrunt etiam quam plurima in quibus interpretatio necessaria est, alia in quibus dubia explicanda, nonnulla quæ etiam in præteritum extendantur, quod contra Iuris Communis Regulas est, nisi expresse caveatur, alicubi ordo in futurum præscribendus, et quæ unioni impedimenta erant expungenda; In his omnibus aliquam ordinum utriusq Regni Declarationem intercedere necesse erat, quod unicum tot Malis præoccurrere possunt, solet esse Remedium; nec vere dici potest hanc declaratoriam quam vocamus priori Unioni vim facere, aut eam in dubium Revocare, sed potius illam in omnibus suis partibus stabilire, et confirmare, tam in persona Domini quam Convassallorum: nam cum unus plurium

Ad priora Responsio.

fol. 62.

fol. 63.

Provinciarum sive fundorum sit Dominus vassalli tanquam unius Capitis jam membra facta naturaliter inter se junguntur, et unius Curiæ Dominicæ, ut Loquuntur, fiunt pares, in Civitatibus fiunt Concives sive conburgenses; in prædiis Rusticis Convassalli (quanquam et hoc nomen ad prædia Urbana potest extendi) omnesq; sub uno fidelitatis sacramento sua feuda sive Urbana sive Rustica prædia tenent, quod si publico ordinum et Comitiorum Statuto declaretur, nulla vis priori Unioni potest inferri.

ad Secundos Responsio.

Quod ad secundos attinet qui nihil aut parum hoc postremo congressu actum putant, Longe et illi falluntur, nam cum ut dixi Comitiorum declaratio sit necessaria, neq; statuta hostilia tolli possunt nisi per statutum posterius eis derogetur, Voluit sapientissimus princeps, ut ante Comitiorum tempus Capita quæ contraverti poterant a peritissimis, utriusq; gentis hominibus mutua Disputatione et Sermonum Collatione molescerent, ne novitas in Ipso limine (si hæc nunquam pertractata fuissent) ordines offenderet, et omnium animi ad communem salutem stabiliendam præparentur, itaq; graviora Capita, qualia illa sunt de nominis mutatione, fœdere Gallico, et Legum utriusq; Regni consonantia, silentio præteriri Rex sapientissimus Consuluit, quasi disputationibus et contentionibus occasionem præbitura, et in ea tantum incumbere quæ facilius poterant conveniri, alia tempori relinquenda, quæ mutua animorum conciliatione subsequente, et ex officiis et beneficiis inde nascentibus effici possunt, quod hæc tempora quibus præteritæ offensiones nondum omnino sepultæ sunt non sinunt, ne forte suppuratio offensarum præteritarum pullulet, quæ in novum aliquod Ulcus sive vulnus erumperet, *fol. 64.* Itaq; hoc saltem in eo Nobilissimorum hominum Consessu præstitum est ut animi hominum aliquo vinculo inter se obligentur, et ament, Nam cum Nostri Anglorum arrogantiam cum Gentis nostræ contemptu plus æquo metuerent, illi vero nostrorum hominum præfervida ingenia credidissent, et in Disputationibus et rebus tractandis plus æquo ferociora omnia aliter quam putabant utriq; invenerunt, nempe tractabilia hominum utrinq; ingenia, mores modestos et temperatos, tranquillam et non turbatam mentem, et humanitatem maximam in Scotis (quod non expectabant) etiam cum Doctrina

conjunctam, Itaq; in eo consessu clarissimo, cæpere in Gentis Nostræ Commendationem descendere, et Anglorum ingeniis et Indoli æquare, reliqui etiam quacunq; proficiscibamur, amare, bene de Nostris Loqui, Corpora et Laborum patientiam Laudare, eruditionem etiam, quam supra expectationem reperiissent admirari, immo hæc omnia Gallorum aut Germanorum moribus etiam anteferre, inopiæ si quod vitium esset, illud non hominum sed soli vitium dicebant, et majores tamen opes apud nos et ubertatem pleniorem esse, quam sperabant, inopiam industria (quæ apud nos positis Iam bellis sperari incepit) posse pelli. Nihil in hominibus nisi forte montanis, nihil in solo posse reprehendi, Itaq; maximus tum aditus, ad perpetuam animorum Unionem, quæ prima in hoc Negotio, et sine qua frustra hæc Regnorum unio sive associatio tentatur, patefactus est; hæc autem quæ a nostris hominibus contra hanc unionem et postremum Londini virorum Nobilium consessum, dicebantur, non eo animo, ut Unionem quovis modo labefactent, aut impediant, objiciuntur: sed tantum ut confirment, et solidius vinciant; cum et ipsi paratissimis animis hanc associationem amplecti et posteris sartam et illibatam relinquere cupiunt, eoq; intentioribus animis quæ in utramq; partem dici possunt, et vulgo fortasse a rerum imperitis ventilantur, in quæstionem aliquoties deducunt, quibus aliquo *fol. 65.* modo satisfacere non alienum ab officio putavi, cum tamen non Lubenter diverticula querere soleam. Præterieram quod Nos maxime in hoc consessu præteriisse, saltem levi manu et perfunctorie tantum tractasse aliqui indignantur, quod ad munera Iudiciorum et officiorum Regiorum ut vocant nostrates prohiberi sustinuimus, cum nihil magis Gentis utriusq; associationi sive unioni possit obstare, immo quod per se etiam sufficiat ad dirimendam jam pene contractam et confirmatam Unionem, si ab honoribus et dignitatibus alteri prohibeantur, alteri permittantur, nam cum firmissimum amicitiæ vinculum sit in æqualitate, nec nostri indignitate [*sic*] sua tuenda facile cuivis genti concedant, Itaq; ut omnino prætereunda erat ea exceptio, aut utriq; Genti ad munera publica aditus æqualiter aperiendus, sed profecto si ipsi interfuissent, et acerrimam de ea re concertationem sive Disputationem inter nostros audivissent, an recipienda ea esset conditio inæqualitatis an omnino dis-

Cur Scoti a publicis judicandi muneribus hactenus exclusi in Anglia.

solvenda conventio, desinerent aut mirari aut aliorum operam damnare; nam cum omnia hæc publica munera, a quibus nostrates ad tempus prohiberi convenit ad judicia pertinerent, Iudicia autem non nisi per juris Anglorum prudentes et consultos possunt exerceri, quis illud Iuste dolebit, nobis in eo consessu ademptum, quod ratio ipsa, aut ignorantia nobis Iure ademisset, nam quis Iudicandi munus, apud Deum et Homines arrogare sibi in Anglia non verebitur, qui Legum Angliæ sit imperitus, et cum in illa nostrorum, sive commissione sive Legatione, pleriq; essent Iuris patrii, Cæsarei et Pontificii peritissimi, tamen nemo erat qui cognitionem juris Angliæ sibi potuit aut voluit ascribere quod non solum in se nostri agnoscebant sed in omnibus aliis nostratibus, qui Iam rerum
fol. 66. gerendarum putabantur non ignari, fieri enim non posse sciebant omnes ut quis Iudicandi munere in Anglia frui possit aut ex tribunali Ius dicere, qui non ab Adolescentia in Anglico Iure enutritus et Educatus fuit, neq; enim adeo planum est Ius Anglorum quam vel Cæsareum vel Pontificium sed pluribus nodis et involucris obnoxium, itaq; si viri nobilissimi et patriæ amantissimi faciles in eo capite se præbuerant, maxima ratione id fecerunt, cum neq; in se, neq; in inferioribus apud suos ordinibus satis idoneos agnoscerent, qui publicum onus Iudicandi subire adhuc possunt, sinc maxima populi indignatione, Nam quis merito non indignabitur se a juris patrii imperitis Iudicari, Lites omnes et actiones dirimi, quod cum verecundia ipsa, nostros in Anglia prohiberet, et ipsi ultro consenserunt, ut æqualitas utrinq; servaretur, et ut Angli a juredicundo in Scotia etiam arcerentur, et ab omnibus publicis muneribus, quæ cum Iurisdictione erant conjuncta, nec tamen convenit ut hæc exceptio perpetua esset, sed tantum interstitium aliquod esset temporarium, nempe ut interea quatenus Commodo fieri possit, Scoti in jure Anglorum, et Angli rursus in Scotorum Legibus, instruerentur, et proinde eos solos astrinxit, qui ante mortem Divæ Elizabethæ nati sunt, Liberis omnibus, qui post serenissimi principis successionem nati essent vel nascerentur ad honores, dignitates et munera publica, etiam quæ in Iudicando consisterent, aditu patefacto. Præterea ne aliquid a viris bonis et suorum amantissimis, omissum calumniari quis possit, diserte in illo Capite Cautum est, ne Regis prærogativæ

sive privilegio præjudicium inferatur, nam cum munerum publicorum et officiorum concessio numeretur ex jure inter Regalia (*i.e.*) ea quæ proprie ad Regis Dispositionem pertinent, nempe potestas Magistratuum constituendorum ad expediendam Iustitiam, quæ potestas ut antiquitus propria Romanorum principum fuerat postquam populus omne Ius suum et in se transtulisset in Cæsares, nec alii Magistratus creare, aut Iurisdictionem concedere poterant, sic etiam et in hoc Britanniæ Regno uterq; principum (dum duo erant) idem Ius sibi jure optimo arrogant [*sic*], cum quilibet Rex ut in Scholis audisse sæpe memini in suo Regno sit Imperator, itaq; ni illa exceptione cum qui tum aderant inter se de ea gravissima consultatione tractassent, nihil actum esse certissimum est; salva enim serenissimo principi et sarta tecta sua prærogativa permansit, nempe Magistratuum, qui Ius dicere possunt, potestas et Nominatio; et hæc de sanctissimo Regis optimi Studio et proposito, Nunc ad ipsam Unionem veniemus speciesq; fœderum, quæ antiquitus solebant inter Gentes dissentientes convenire.

Tit: quæ sunt Regalia in Feudis.

fol. 67.

De Fœderum generibus, et Unione in genere, et quæ ad eam requirantur.

CAPT. 5um.

Sunt qui hanc Unionem, quam tanta cura serenissimus princeps urget, fœderis tantum speciem esse putant, et eisdem legibus astringi, sed meo quidem Iudicio longe falluntur.

Tria erant fœderum Genera antiquitus ut Quintio Imperatori Romanorum apud Livium Antiochi Legatus Menippus allegabat.

Unum cum bello victis leges dicuntur, nam eæ ex arbitrio victoris semper dicebantur et tum victi se, omnia Iura divina et humana debebant, obsides etiam aliquando ab eis accepti, præsidia urbibus imposita et tributa indicta, præcipue ut eosdem cum victoribus hostes et amicos haberent, bellum eorum injussu non moverent Cauebatur.

Primum Genus fœderis.

fol. 68.

Hujus prioris fœderis exempla sunt Romanorum cum Latinis,[a] Samnitibus,[b] Macedonibus,[c] Gentio Illiriorum Rege,[d] Numidis post Iugurtham victum et aliis provinciis bello devictis fœdera[e]. Antiocho victo pars Regni adempta, relinquum quibus Legibus vellet administrare permissum:[f] In hoc primo fœdere Leges ex arbitrio victoris semper dicuntur.

[a] Livius, lib: 8.
[b] Florus in bello Samnitico.
[c] Liv: lib: 44.
[d] Liv: lib: 43.
[e] Salust. in bello Iugurth.
[f] Lib: 37.

Secundum Genus.

Secundum Genus fœderis antiquitus erat, cum duo populi sive duo Reges, pares bello in fœdus æquum conveniebant, nullius partis Dignitate Imminuta; In hoc secundo Genere omnia utriq; populo relinquebantur, ut prius, integra, Communis armorum Libertas, amicitia, Ius hospitii, et Commerciorum, ut liceat per sociorum fines, ire, redire, agere res, negotia contrahere, et supra omnia, eosdem hostes et amicos habere, salvis tamen utriq; genti patriis Legibus; quæ quidem societas, Licet omnium arctissima, tamen quamprimum alteram partem penitebat, facile dissolvebatur, nec diutius in ea quis permanere cogi potuit, quam vellet; tale erat ante primum bellum punicum Romanorum et Carthaginensium, Romanorum et Hieronis Siciliæ Regis[g], et eorum omnium qui socii a Romanis dicebantur, quale est fœdus Gallorum et Helvetiorum hodie utriusq; gentis dignitate conservata.

[g] Polyb: et Appianus de Bello punico.

Tertium Genus Fœderis.

Tertium est eorum qui nunquam hostes fuerunt, et amicitiam contrahunt, hi neq; dicunt neq; accipiunt Leges, sed ex pacto convento, armorum Societatem et amicitiam contrahunt, tales antiquitus, ne in externis immoremur, Scotorum et Pictorum in bellis contra Romanos, armorum societas et confœderatio, quæ tamen levissimis de causis toties interrupta, alterius Gentis internecionem tandem procuravit; sed nullum ex his tribus fœderibus huic proposito convenit; nam hic agitur quomodo duo Regna, jura Majestatis habentia in unius Regis imperium coalescant, ita ut ex duobus aut pluribus unum fiat, quod vel armis fit, et tunc Reges ex arbitrio victoris dicuntur, vel ex successione hæreditaria, ut sæpe in Hispania, hodie in Britannia contigit; in tali unione aut Regnorum duorum adunatione, sanctius et arctius Societatis vinculum quærimus, quod omnia fœderum genera omnem etiam pacem seu pacis conditiones vincat, et longe post se relinquat; ut si quod bellum postea nascatur illud vel seditio vel bellum civile dici possit, et tanquam civile damnari

fol. 69.

et abominationi esse. Hoc genus conjunctionis, adunationem sive unionem dicimus, cum ex duobus populis unus, ex duobus Regnis unum, aut ex duabus civitatibus una efficitur; Id natura ipsius Unionis et Vocis exigit, Quod et plenius in Græca Lingua exprimitur, nam *ἐνωσις* quæ Unionem significat et *ἐνωντες* dicuntur quæ in unum stipitem inferuntur, ut a verbo *ἐνιημι* discendat, quod immittere vel inserere significat; ut ex duabus speciebus, sicut Iurisconsulti loquuntur, una tertia efficiatur, eaq; quasi nova, et quæ in priores nulla arte, nullo ingenio possit restitui. Sarmatæ in suis cum Lithuanis et Massagetis unionibus vocibus incorporationis et inviscerationis utuntur, ut significatitius [*sic*] vim vocis et quid inde sibi velint exprimant, Huic contrarium est *δύειν* quod Lædere, nocere et præcipitare sive dividere significat apud Homerum (Il. ε) in duo unitatem aliquam secare, ita ut proprium unionis est servare servare [*sic*] et erigere, sic divisionis In partes ambas perdere. Videamus igitur, quæ naturaliter ad hanc unionem, sive utriusq; Gentis in altera infusionem aut insitionem requirantur; an hæc omnia in hac unione et Associatione concurrerunt, aut ad hujus, quam querimus Unionis perfectionem, adhuc possunt Concurrere. Nihil certius quam ut hæc vere et legitime perficiatur, omnia quæ diversitatem aut distinctionem inducunt abolenda, ea vero quæ ad unius corporis et civitatis formam invitant, et quasi alteram Gentem in alterius viscera, et intima præcordia inserit, undiq; asciscenda. Secundo bello punico Croto urbs Magnæ Græciæ in Italia cum Amplissima in circuitu esset, et bello quod Pirrhus Romanis intulerat vastata, vix dimidia habitaretur, Pœni, in quorum partes secundo bello punico transierat, hortabantur, ut Brutiorum Coloniam in Urbem ascisceret, quo pristinam frequentiam et celebritatem reciperet, et deserta Urbis mænia novis civibus supplerentur, at Crotoniatæ morituros, se citius affirmabant, quam ut immisti Brutiis in alienos ritus, mores, Leges, deniq;, et linguam verterentur: per Ritus Relligionem intelligit, ut in simili specie facti Virgilius etiam.

Quod sit Regnorum vel populorum duorum unio et unde dicatʒ.

Quid sit Divisio Regnorum.

fol. 70.

Quæ ad unitatem naturaliter pertineant.

De Crotone urbe Greciæ in Italia.

Livius lib. 24.

Ritus moresq; sacrorum
Adjiciam, faciamq; omnes uno ore Latinos.

Sunt ergo autore Livio, hæc quæ hanc unionem maxime promovent, et popularium animos ad eum invitent, Communio et

Unio Sacrorum sive Relligionis, Legum, Morum et Linguæ, adjiciunt alii et nominis Communionem et ut idem sit utriq; populo nomen, Polybius alia etiam videtur in unanimi associatione requirere cum Acheorum vel Peloponnensium secundiores res et earum causam describit, sed præstat ipsius Polybii[a] gravissimi autoris verba adducere, cum nulla ad præsentem rerum statum commodiora aut aptiora scribi possunt Ita in eis Unio hæc exprimitur.

Exemplum Unionis apud Achæos.

[a] Lib: 2: *fol. 71.*

'Nam cum multi (ait ille) ante hæc tempora Conati essent ut peloponenses in unam Voluntatem redigerent, neq; id perficere potuissent, quod omnes suo potius Commodo quam patriæ libertati studerent, tanta hæc [*sic*] tempestate mutatio facta est, ut non solum amicitiam et rerum Communionem inirent, sed etiam eisdem Legibus, et eisdem ponderibus, iisdem mensuris, iisdem nummis, præterea iisdem principibus, iisdem consultoribus, iisdem Iudicibus uterentur; Ut nulla alia res Peloponeso deesset, quin omnis una Civitas foret nisi quod non erat una mœnia habitantium; cætera omnia aut eadem aut quam simillima, qui Acheorum appellationem ab initio sortiti sunt, neq; Regione cæteris præstant, neq; urbium multitudine, neq; divitiis, neq; virtute, si quidem Arcades et Lacedemonii multitudine virorum atq; Urbium, non parum Cæteris antecellunt virtute ac rebus gestis nullis Græcorum secundi:' quomodo igitur vel hi quos modo memoravimus, vel cæteri Peloponenses æquo animo pati possunt, se non solum in Rempublicam sed etiam in nomen Acheorum transmutatos: at fortuna hoc factum stultissimum esset asserere, causa potius hujus rei perquirenda est, sine qua Nihil, nec eorum quæ ratione sunt, nec quæ præter rationem agi videntur, perfici potest, Est autem hæc ut mea quidem fert opinio æqualitas, Communis Licentia, quæ inter omnes servabatur, et quoddam quasi exemplar vere Reipub: sinceriora quippe instituta in aliqua Græciæ Civitate reperta nunquam fuere, et quæ plura ibi subjicit; quæ omnia in hanc sententiam exeunt, ut cum Peloponenses Longissime antea inter se dissiderent, clementia et æquabilitate, et rectis Reipub: Institutis factum, ut Licet Achei multis Gentibus in Peloponeso essent Infirmiores, tamen reliquæ non solum in eorum Rempub: Sive publicum consilium transierunt, sed etiam in

Achæi qui [*lacuna*].

fol. 72.

nomen, et profecto Livius[a] Philopemenem ducem Acheorum, interfecto Nabide Lacedemoniorum Tyranno, Lacedemonios Acheorum consilio quod tum in Græcia amplissimum erat conjunxisse memorat, et partem ejus semper postea fecisse, quod eorum Respub: optime tum administraretur,[b] Quod factum Lycortas prætor Acheorum postea accusante Appio Claudio quod leges Lycurgi Achei Lacedemoniis ademissent, hac ratione tuetur, nam quod ad Leges ademptas Lacedemoniis attinet Tyranni eos ademerunt, cum pessumdatis Legibus omnia sibi arrogassent et Imperium in urbe occupassent, nos eis bello victis nostras dedimus nec male consuluisse Civitati, cum consilii nostri eam fecerimus et nobis miscuerimus ut corpus unum et consilium totius, Peloponesi esset, et quæ sequuntur. Ex duorum Gravissimorum scriptorum autoritatibus ad perfectam et consummatam Unionem hæc octo requiruntur, idem in Relligione consensus, Legum morum, et Linguæ consonantia, æqualitas in omnibus, iidem Magistratus et unum perpetuum Consilium, eadem etiam Disciplina, iidem nummi, eadem pondera et mensuræ, et super omnia idem nomen. Tacitus dum Colligit utrum Aranisci ab Osis an Osi ab Araniscis originem traherent, eandem utrisq; [*sic*] gentis fuisse originem eo argumento concludit, quod eodem sermone institutis et moribus uterentur. Et primo quod ad sacra sive Relligionem attinet, nullum arctius humanæ societatis vinculum, nullum tenacius, sive ad hominum animos conciliandos, sive in Societate retinendos, quam Relligionis et pietatis eadem ratio et forma; nam vidimus hac nostra ætate saepe etiam Gallos sive Francos ut se adversus Regis sui vim et et [*sic*] violentiam tuerentur, qui eos Romanæ sedis Tyrannidi mancipare satagebat, non solum Germanos sed et Anglos in societati [*sic*] belli vocasse; adeo Relligionis Unio, seu societas validior erat, quam in ipsa patria, in qua nati erant, pietas, et hodie protestantes Galli se potius Anglorum fidei credent, et eorum præsidiis munitiones committent, quam ulli ex sua Gallia, qui alienæ Relligionis erit; At tempore Caroli 7^i/ usq; adeo nomen Anglorum oderunt, ut neglecta juris sacrosancta autoritate, et Iusto Domino suo præterito et conculcato, tam Normanni quam alii, quorum hæreditarius Dominus erat Anglus, contra omnem Rationem et æquitatem se Carolo

[a] Lib: 35.

[b] Lib: 35.

8° requirunt; ad unitatem.

Primum unionis in Religione.

fol. 73.

subjicerent, quod communi cum Reliquis Gallis Lingua uterentur, In hoc testimonium etiam Domesticum habemus, testantur omnes qui de gentium moribus scribunt, raram esse aut fuisse inter Anglos et Scotos pacem sed odia semper atrocissima, et bellum irreconciliabile Dum alteri propagare, alteri retinere Imperium nituntur, Immo ipse cum Iuvenis in Gallia essem, proverbii loco usurpatum audivi, cum quid nunquam futurum vellent innuere, eventurum illud dicerent cum pax inter Scotos et Anglos convenerit, nempe ad Græcas (ut aiunt) calendas, Invaluit enim hæc apud omnes Gentes opinio, fieri quidem posse, ut induciæ inter eas Gentes convenirent, sed pax certa nunquam, at postquam a quinquaginta annis uterq̧ populus in veram pietatem consenserat, et eam publice profiteri ceperat, in nulla ulla hominum memoria, tam Longa tam continua pax sine interruptione lecta est, adeo *fol. 74.* hominum animos, relligionis et pietatis consensus ad se trahit, et astringit; nec illud moror, quod forma pietatis exercendæ, hodie inter utramq̧ Gentem sit diversa, et quod in vestitu, et Dignitatum nominibus, multum vicini nostri reponant [*sic*], cum in ipsius Doctrinæ capitibus, tam solidus et uniformis sit consensus, certum enim est, nullum caput Christianæ Doctrinæ contraverti inter nos, aut id in quæstionem vocari, quod ab alteris asseritur, Licet in ritu administrationis Sacrorum aliquid sit inter nos dissidii, quod non tanti existimandum est, ut pax et unio Ecclesiæ dissolvatur, recte utriq̧ putant se facturos, si omnia dissidia ad primæ institutionis formam reducant, si id fieri omnino non possit, ut quam proxime saltem accedamus. Relligio potius pie coli debet, quam magnifice, extat Hieronimi testimonium, nova hæc dignitatum in Ecclesia nomina, antiquitus fuisse incognita, sed nostri fortasse non sine Ratione in Ecclesiasticum ordinem renovandum, aut restituendum, paulo sunt iniquiores, ex relliquiis pristinorum odiorum, quod illius ope et consilio factum putant, Ut non solum Clarissimarum Urbium apud nos excidia et incendia viderint, sed etiam Gravissima illa [*sic*] apud Pinguinum cladem dum omni opere, Ecclesiastici niterentur, ne unio tum inter utriusq̧ Regni hæredes prius contracta perficeretur, aut quoquomodo Anglorum, qui tum Pontificem Romanam [*sic*] ejurarant, relligio ad Scotos permaneret [*sic*].

Hieronimi opinio de Episcopis.

Est igitur in relligione et vera pietate unus utriusq; Regni seu populi consensus eadem contra adulterinam et pontificium mulcta et Leges severissimæ, et proinde quod ad sacra et pietatem attinet, omnia ad hanc perfectam unitatem et conjunctionem aptissime consentiunt. *fol. 75.*

Secundum Idiomatis sive ejusdem Linguæ Communis usus.

Sequitur Communio sermonis sive Linguæ in quo non est quod immoremur, scimus omnes, cum Dominus maxima mala, et gravissimas pœnas populo comminatur, hoc tanquam gravissimum exprimere, adducturum se super populo gentem feram et trucem, cujus Sermonem Israelitæ non intelligerent [a] : adeo ut supra reliqua mala, quasi summum id superaddit, nempe populum subjiciendum ei genti, cujus sermonem, et verba, non intelligeret; et in Psalmis,[b] inter ærumnas Egypti, illam in specie commemorat, quod præfectorum suorum verba non intelligerent. Polydorus Virgilius cum anxie disquirit quid esset causæ, cur Galli repente, mutata fide, quam Anglo Iuraverant Carolum 7, dejectis Anglorum præsidiis, intra Urbes suas receperint; hanc solam adducit, quod Angli, cum justis præsidiis omnes urbes Galliæ tenere non possent, et proinde modica imponerent, tam pro civium commodo, ne a milite gravarentur, quam ne exercitum cogerentur minuere, et Licet in omnibus præliis victores essent, tamen a Gallis suæ Linguæ principi semper faventibus proditos et desertos, citius enim (ait ille) Æthiops albus erit, quam Gallus Anglo aut Anglice loquenti faverit. Diximus ante de Crotonensibus, qui morituros se potius asserebant, quam in Linguam Brutiorum transituros; usq; adeo ejusdem Linguæ communio, ad benevolentiam et amicitiam conciliandam et ad retinendam, valet; Sed in nostra hac adunatione de Linguæ et Sermonis communione, non est quod immoremur; uterq; populus eadem Lingua, eodem sermone utitur, et si pace vicinorum dicere Licet, nostra hodie vernacula Lingua cum veteris Anglicæ Linguæ puritate magis convenit, quam ipsa Anglica, nam eam *fol. 76.* ascitis e peregrinis Linguis, Latina, Gallica, Italica, novis verbis, pridem corruperunt, dum eam se Locupletare putant. Ipse memini, cum ex nostratibus qui Leviniam et Taichiam incolunt, omnes pura Hibernica Lingua uterentur, hodie vero pene ad Argadiam et Hebrides Insulas ea lingua relegata est, adeo ut rari pene sunt, qui ea hodie Loquantur, Nobilium

[a] Deut: 6.

[b] Psal: 81.

Montanorum nemo, nec Insulanorum hodie, qui non Anglico sermone vel Loquatur vel saltem non intelligat: Immo et apud Orcades et Ipsam Zetlandiam in quibus hoc ipso seculo, nulla Lingua nisi Norvegiensi loquerentur, hodie verbi Dei Ministri in suis Concionibus solo Anglico Sermone utuntur, et satis intelliguntur: pleriq; etiam id Scribendi Genus frequentant, quod si (ut audio agitari) contrahatur Societas aliqua inter Mercatores Londinenses pro piscatu, in Insulis Skia et Levissa exercendo, et in eis Locis præsidium aliquod imponent [*sic*], Urbem aliquam muniant, Colonia in eam deducta, cum omnis generis Artificibus, qui piscationi commodi aut necessarii erunt, et scholas aperiant, non dubito quin ante unum seculum Hibernica Lingua Scotia tota et ejus insulis in perpetuum exulet. Naturaliter ita comparatum videmus, ut qui una et eadem Lingua utuntur, facilius invicem concilientur, ac inter se ament, contrahunt societates et distrahunt, reliquisq; vitæ officiis fruuntur.

Redeo ad Polybium et Peloponensios, nam nulla orbis terrarum pars, nullius partis mores, huic nostro instituto, aptius conveniet, quam Peloponesus, quæ si Insula non est, certe Insulæ quam-proxima, et celeberrima Græciæ pars est; modico etiam interstitio sive Isthmo cohibetur ne sit Insula; in hac
fol. 77. nobilissimæ tum fuerant urbes, Corinthus in ipsis angustiis Isthmi sita, Argus, Mycenæ, Lacedemon, Patre, Messenæ, Corona, Methene, Elis, Pisæ, aliæq; complures, a Diversis Regibus, et inter se bello sæpissime decertantibus, regnatæ: donec in eam societatem (de qua Polybius) tandem convenerant eisdem tum Legibus et iisdem ponderibus, iisdem mensuris et Nummis, præterea eisdem principibus, eisdem Consultoribus, eisdem Iudicibus uterentur; ut nulla alia res, ut ait ille, Peloponeso deesset quin omnis una esset civitas, nisi quod non erant una mænia habitantium, cætera omnia aut eadem aut quam simillima, hæc singula per se expendamus, et primum
3. Consonantia Legum. de Legibus[a] quoniam Latiore consideratione in eis opus est,
4. de ponderib. mensuris et nummor7 diversitate. sequens caput eis indulgebimus, interea de ponderibus, mensuris et Nummis videamus, at an in eis diversitas vel contrahendam unionem impediat, vel ad contractam dissolvendam sufficiat, et sane plerisq; videbitur, non eam esse vim in diversitate ponderum, mensurarum et nummorum, ut unioni contra-

hendæ obstat [*sic*], aut contractam dissolvat, cum in Germania (quæ tamen firmissimo unionis vinculo sub uno Cæsare illigatur) diversi sunt [*sic*] tam in forma quam in pondere et valore nummi, nec fere sit Ducatus aut provincia, immo ne urbs, quæ non suis nummis et ponderibus utatur, nec aliud in Gallia et Hispania videmus, in quibus licet consonans sit et uniformis nummorum usus, tamen ponderibus et mensuris diversis locus est neq; enim sunt eædem vini aut olei ubiq; mensuræ, nam Metretæ vini, minoris sunt quantitatis, Luteciæ, quam pictavii, et im [*sic*] universa Aquitania, et tamen omnes provinciæ indissolubili vinculo unionis sub uno principe connectuntur, at ego si quid in tanta re audeo, Libere eloqui, nihil ad hanc Unionem vel constituendam vel conservandam aptius, nihil commodius puto, quam ut utraq; Regio eisdem in futurum ponderibus *fol. 78.* eisdem mensuris et nummis utatur; nam in his diversitas, diversitatem animorum sæpe Gignit, cum sibi in una Regione, alia moneta, aliis ponderibus, uti necesse videant, quam in alia, et sic in alia provincia, et sub alio cælo, se vivere existimabunt; In Græcia etiam extra Peloponesum, idem nummorum usus, nisi quod talentum atticum in magnum et parvum divideretur, In mina, drachma Didrachma, statere et obulo, qui minimus nummorum, a Servio dicitur, conveniebant, et Hebrei suos habebant ab aliis diversos nummos, Siclum, qui stateri Græcorum in valore Respondebat, quem rursus in communem et Sanctuarii Siclum dividebant, et rursus Siclum in partes minores. Apud Romanos (as) sive Libella in duodecem partes dividebatur, eisq; partibus in omnibus negotiis utebantur, supra assem erant sestertius sive nummus bigati et quadrigati a nota bigarum et quadrigarum inscripti, et alii etiam valores nummi a pondere et materia sumebant, et pleriq; viri Docti, In eo se totos, nec sine Laude, exercuerunt, ut Nummismata Græca et Hebraica, ad Latinorum usum reducerent, et rursus Romana ad hodiernum, nempe Italorum et Gallorum, at Longe facilius erit, in reducendis utriusq; Gentis Britannicæ mummis ad unum communem usum; nam ut multa alia, sic nummorum etiam usum, a vicinis nostris, nos accepisse, evidens est; cum antea permutationibus vel institutis de dividendo bove, pecude, vel fera uteremur; Britanni enim, ut testatur Tacitus, cum Romanorum Iugum accepissent, Literas

etiam Romanorum discere cœperunt, et eloquentiæ operam dare, Immo et vestitum et mensarum apparatum imitatione prava sequebantur, cum his nummorum usus irrepserat; serius tamen ad nos hæc derivata sunt, quippe Romanorum imperium et quicquid ab eo pendebat abhorrentes, simpliciore victu et
fol. 79. vestitu contentos. Utcunq, est eadem ratio utrinq, nummorum non ante multos annos erat, numerabant enim et Angli et Scoti per Marcas solidos et denarios, Irrepserat postea librarum usus, sed ex abusu pecuniæ et ejus crescente indies pro Arbitrio principum æstimatione, neq, semper Nobilium aut Angelotorum apud Anglos idem erat valor et usus etiam recentior, sed ut dixi omnia, marcis solidis et earum partibus æstimabantur, Et ab initio idem erat valor, solidi et denarii Scotici qui Anglici, ostendit mihi vir nobilissimus Archibaldus Napier de Merchinstoun rei nummariæ peritissimus sex decem nummos argenteos tempore Roberti Brusii excusos, qui sexdecem nummi unciam Argenti puri æquabant, et verisimile est, ante ea tempora duodecem nummos Argenti una uncia æstimatos: Hoc erat illud tempus, cujus in priscis nostris statutis frequens mentio est, nempe cum bolla tritici, duodecem, quatuordecem, aut sexdecem nummos valeret, cum tunna vini Aquitannici quadraginta solidis æstimaretur, sed initio orto a vicinis nostris, cum ad sumptus belli Gallici, ærarium publicum et Regis Patrimonium contra Longe divitiorem principem non sufficeret, et pecunia quibuscunq, modis corroganda esset, primum materia nummorum, misto ære, corrupta est, et sic licet pondere cum prioribus, nummi essent æquales, populo simplici onus hoc imponebatur, quod et Henricus [*lacuna*], Cæsar in bellis Italicis aliquando facere coactus est, ut corio in partes secto nummorum formam imprimeret, et ut Commerciis hi nummi coriacei durante bello inservirent, pollicitus Sancte finito bello se probis et veris nummis damna privatorum restituturum, quod et fecit; non dubito quin idem a principio ab Anglis sit promissum, sed cujus inopia (quæ finis omnium bellorum) præstationem solita sit impedire, Nostri Reges cum ærario minus locuplete uterentur, sæpe in necessitates redacti vicinorum exemplum soliti sunt sequi, itaq, nummorum tam
fol. 80. vitiata materia rerum omnium prætia mutari cæpta et caritas ingruere; sed procedente tempore, cum corruptio materiæ

cupiditatibus Regum non sufficeret, cœperunt et prætia sive valores nummorum augeri, adeo ut denarius noster, qui antea unum Anglicum denarium æquabat, ad valorem duorum excresceret, unusq; Anglicus denarius, duos Scoticos æquabat, mox etiam tres, accepi a viro clarissimo Henrico Balvanio [*sic*] senatore, toto pene tempore Iacobi 5'/ Denarium Anglicum, tribus tantum Scoticis æstimatum; Quod ad me attinet, antequam a pueris excesseram, denarii nostri quatuor, denarium sive nummum Anglicum in præcio æquabat, sed ab eo tempore mirum, quanta facta sit auctio, ut hodie duodecem denarii Scoti, uno denario Anglico estimentur, sed præterita facilius corripi possunt quam emendari, Itaq; ut ad institutum redeam ut iidem utrinq; nummi, idem nummorum valor observetur, voluit serenissimus princeps ut in futurum omnium nummorum in Britannia una et eadem esset materia, nempe ex argento vel auro puro et puto, et ut duodem [*sic*] solidi Scotici unum Anglicum argenteum in valore æquarent, una et eadem in utraq; Gente nummorum esset forma et nota et duodecem libræ Scoticæ, in auro, unæ [*sic*] libræ Anglicæ conformetur, et proinde, ut duæ uniones (sic enim hodie denominari placuit) unam Libram Anglicam et singulæ sex Libras Scoticas æquarent; Itaq; si Polybium in sua Acheorum unione sive consociatione sequemur, facile erat efficere ut eisdem nummis in utroq; Regno utamur et nomina ab Anglicis mutuo capiamus, nempe ut solidus Argenteus qui antea duodecem solidis nostris valebat, nunc duodecem denariis æstimetur, adeo ut inter creditorem et debitorem Librarum et solidorum solutio ita accipiatur, ut pro duodecem sive libris sive solidis Scoticis creditor solutione unius Libræ aut solidi Anglici sit contentus, sed duo incommoda nostri objiciunt, unum quod res adeo viles et tamen necessariæ ad usum apud nos distrahuntur ut sex, decem vel etiam plura, uno nummo Anglico comparentur, quibus tantum singulis egeamus, et pauperes negligentur, cum grave pleriq; existiment Anglicum nummum pauperibus erogare, sed huic malo facile occurretur, si minuta quædam nummismata ærea nullo argento immisto (cum argentum in his mixtis nummismatibus omnino pereat) et ea publica forma et publica nota ad valorem æris excudantur, quibus in rebus his nummis comparendis [*sic*] utamur, ita ut excusa hæc

Differentia Denarii Anglici et Scotici tempore crevit.

fol. 81.

nummismata non plus valeant excusa quam in massa seu materia et ita inter contrahentes communem usum habeant, ne quis vel in debiti sui solutionem, neq; pro rei venditæ pretio supra solidos duos cogatur accipere, et sic venditiones rerum minutarum facile procedent et pauperibus consuletur.

Secundum Incommodum est quod ex valore prætii rerum communium æstimatio crescet, et cariore annona, rebusq; ad victum et vestitum (quibus solis humana natura eget) carioribus utemur, unde fit ut tenuiores, quorum Longe maxima pars est apud nos, opprimentur, nec frugalitati pristinæ locus relinquetur; sed cum nihil novum aut salubre de novo institui potest, quin aliqua, et ea quidem gravia secum incommoda advehat, hoc interim solatii erit, quod auro et argento puro et puto nempe nullo ære corrupto, postea utemur, quo, in eadem æstimatione, quæ nunc est, manente, non est periculum a caritate, verum quidem illud est, quod dici solet, cum Nummum æstimatione crescere et pecudum et reliquarum rerum quibus vescimur æstimationem, sed si in eodem pretio et valore incorrupta maneant, nec pretia rerum augebuntur et aliis incommodis occurretur, sed venia mihi danda est, si amore hujus Unionis et communis patriæ Britanniæ paulo altius quam par, sum evectus, neq; enim hæc a me dici quis putet, ut sequenda velim, sed si quis quid potius in medium
fol. 82. adferat illud amplectamur, ita tamen ut eisdem nummis tam in valore quam materia uti, quilibet rem ad hanc unionem perficiendam et consummendam [*sic*] maxime necessariam mecum et cum Polybio sentiat.

Pondera et Mensuræ quomodo exequandæ.

Superest ut de ponderibus aliquid expendamus, licet in eis non ea vis ad hanc unionem perficiendam consistat, quæ in nummis, cum in provinciis inferioris Germaniæ, quas Belgium dicimus, diversa sunt pondera, diversa mensurarum, pro ratione rerum, quas metiri velimus, genera, et alia apud Romanos alia apud Græcos, et alia apud utrosq;, quam apud nos; apud Romanos Libra, quæ et pondo et as sive assis dicitur, inter minora pondera maximum et inter majora minimum. Supra Romani res bilibres, trilibres, quadrilibres dixerunt, aliquando per pondo ut dupondium, tripondium et centipondium dixerint, libri [*sic*] sive parvi assis duodecem erant partes, per quas omnia ponderabant nemper [*sic*] per uncias,

Sextantes, trientes, et dodrantes, Apud Græcos pondera frequentissima erant, talentum maximum et parvum, infra talentum erat mina, quæ et ipsa apud Græcos duplex erat, Vetus et nova, post minam erat drachma, obulus, semiobulus, et chalcus, qui septem Lepta sive minuta ex ære continebat, hæc ideo ut sciant homines hujus ærei nummismatis, quod in Lepta dividebatur, et eo res minutiores comparabantur, usum fuisse per antiquum, qui si repetatur, et ei modus imponatur, ne supra exiguam quantitatem quis recipere cogatur, omnibus his incommodis, quæ ex ponderibus, et nummis, et eorum divisione nascuntur, occurrere facile erit: nec aliud est in mensuris, nam et eæ diversæ erant in Liquidis et aridis, in Liquidis, ut in oleo, vino, et melle, et tam omnia per uncias estimabantur, nempe ut singulæ mensuræ tot uncias aquæ continerent, est enim aquæ simplissima et purissima natura, itaq per eam mensuras constituebant aquæ in pondere vinum propius accedit, vinum oleo nono [*sic*] parte *fol. 83.* gravius est, mell vino tertio [*sic*] prope parte; in aridis per uncias et Libras mensuræ instituebantur, sed diversis nominibus utebantur, in Liquidis Metretes sive Cadmi Chus sive Choeus, qui Romanis Congius, sub his Sextarius Cotyla sive hemina, quartarius, cyathus, cochlearium, cocha. . In aridis medimnum, semimedimnum, tertiarius medimni, sextarius, et semisextarius, et ita deinceps: Apud Romanos in Liquidis mensuræ erant culeus, amphora, vina congius, sextarius, hemina, quartarius, Cyathus. In aridis modius, semimodius, sextarius, hemina, &c. Sic et inter ipsos Græcos et Romanos magna erat ponderum et mensurarum diversitas; tamen viri docti fæliciter et non sine Laude hodie desudarunt in conciliandis et reducendis ponderibus et mensuris Græcorum, tam inter se, quam cum Romanis; ut etiam Livii tempore factum Legimus, qui Græcorum mensuris in rebus Romanis utitur, nam tam apud Livium, quam Plinium, sextantes et quadrantes invenimus, et talenti Attici, et tetradrachmæ, meminit Livius quadrantis sive triuncii, quoniam tres uncias continebat, etiam et Plinius: hæc tantum ne quis rem arduam aut difficilem putet, si Nummorum, mensurarum et ponderum publicorum usus idem in utraq gente postea statuatur, cum in rebus difficilioribus et ipsa antiquitate reconditis,

viri docti idem sunt consequuti. Quod si res facilis, ut est, cuivis videatur, mecum ut opinor sentiet, nihil utilius, nihil e re utriusq populi commodius esse posse, quam si, ut Achei. sive Peloponesii olim, sic hodie omnes Britanni, eisdem nummis ponderibus et Mensuris utantur et omnia, quæ differentiam olfaciunt ab utraq Gente obliterentur, ita tamen ut res non tanti sit momenti ut vel unioni contrahendæ
fol. 84. obstare aut contractam possit dirimere.

An ad hanc Unionem perficiendam necessaria sit Legum utriusq Regni consonantia, et nonnulla de Iure quo Angli et Scoti hodie utuntur.

CAP^T. 6um

Tertium Unionis de Legum et juris in utroque populo consonantia.

Tertium, quod in hac deliberatione spectatur est Legum seu morum communio, quod prius in hoc Caput distuli, fieri eum [*sic*] non potest plerumq, quin qui diversis institutis et moribus reguntur, diversa etiam sentiant et sequantur; quisq enim sibi applaudit sua instituta, et eorum æquitatem prædicat, aliorum aversatur, unde et graves contentiones nasci videmus, sepissime ego sane non eam vim In legibus et institutis pono ut hominum animos a societate sua et perpetua firmanda amicitia queant avertere, neq enim in hoc cum pietate et Relligione Legum antiquitus [*sic*] conferenda est, illa enim a Deo mentibus hominum inspirata, tanto arctius vincit, quanto Dei optimi Maximi præcepta humanis sunt priora, et plerosq videmus qui patria instituta non usque adeo probent, sed aliarum Gentium in quibusdam mallent, et ea potius superent [*sic*] sequi, quam quæ apud se usurpantur, sed hunc nodum solvit optimi principis Edvardi 6^ti et ordinum Angliæ Epistola Ad Scotos suasoria, ut suam amicitiam tum sequeremur; nam cum Ecclesiasticus Ordo, hoc semper inculcaret, sub specie hujus matrimonii, quod inter utriusq
fol. 85. Regni principes tum sperabatur, nihil aliud Anglus moliri quam Scotiæ subjectionem, et priscorum morum et legum

antiquationem, ut sua instituta inducerent; Responderunt, non illud sequerere [*sic*] ut veteres Scotiæ Leges tollantur sed ut in sua [*sic*] vigore permaneant, neq diversitatem Legum sive morum huic contrahendæ Unioni obstare; nam et ipsas Angliæ partes diversis Legibus et institutis Regi, et Galliæ partes, ut Normanniam, Aquitaniam, Britanniam, suis moribus et Legibus uti, et Belgii partes, Regnaq, et provincias, quæ sub imperio sunt eodem, diverso tamen Iure et Iudiciorum forma administrari: hæc quidem breviter in illa Epistola quæ tamen explanationem fortasse requirunt, et ut ab ipsa Anglia incipiam, sæpius illa impressiones hostium passa, aliquoties etiam succubuit; postquam rejectis in Walliam Britonibus, Saxones ea potiti sunt, suas etiam Leges introduxerunt; sic enim ante quadringentos annos scribit Gervasius, quæ ab Henrico Wintoniensi Episcopo, ejusdem Conquestoris Gu- Gervasius de Legibus Angliæ. lielmi ex Adela filia, nepote ait se accepisse, Liber ille (eum innuens qui ab Edvardo postremo Anglo Saxonum Rege conscriptus est et vulgo Domus Dei dicitur) Sigilli Regii Comes est; individuus hujus autem institutionis Causam ab Henrico quondam Wintoniensi Episcopo sic accepi cum insignis subactor Angliæ Rex Wilhelmus ejusdem pontificis sanguine propinquius [*sic*] ulteriores Insulæ fines suo subjugasset imperio, et Rebellium mentes terribilibus perdomuisset exemplis, ne libera daretur de cætero erroris facultas, decrevit subjectum sibi populum Iure Scripto legibusq subjicere, propositis igitur Legibus Anglicanis secundum tripartitam earum distinctionem hoc est hoc est [*sic*] Merchenlage, Danelage Westsaxanlage, quasdam reprobavit, quasdam autem approbans, transmarinas Neustriæ leges, quæ ad Regni pacem tuendam efficacissime videbantur, adjecit, habet igitur Anglia triplex *fol. 86.* Ius sed sub quo horum trium illud Ius quod Gavelkynd Trifaria Legum Angliæ Divisio. dicitur, comprehendatur; an vero proprium Ius Cantianorum per se efficiat incertus sum, sic igitur Anglia diversis moribus et institutis adhuc Regitur, Immo et Wallia, et Hibernia, aliis ab Anglorum moribus institutis utitur, quod tamen omnium harum provinciarum, in unum Imperium transitionem sive Unionem, non Impedit.

In Gallia certum est alias esse constitutiones Normannorum, Burgundiæ, alias Campaniæ, alias Cenomonorum, alias

Britannorum, Armoricorum, et extant peculiares Libri de his constitutionibus, in quibus non rara est et morum diversitas, et etiam Iudiciorum forma varia : Imbertus princeps Delphinatum suum principatum Carolo Regi Francorum vendidit, ea lege ut primogenitus Franciæ Delphinus perpetuo Diceretur, Delphinates suis legibus viverent ; in Belgio, Neapoli, Sicilia, Immo In Aragonia, Castella, Lusitania, diversa sunt instituta, quibus provinciales reguntur et diversi mores et præcipue in Belgio ut quæq, Provincia in Unionem Septemdecem provinciarum Consenserit, sic expresse cavit, ut suis moribus et institutis uteretur; cum non raro harum provinciarum Instituta inter se dissentiant. Immo in Germania certissimum est eas quæ sub Imperio sunt provincias Saxonium, Bavarium, Austrium, Marchiani, et reliquas suas quasq, habere Leges sua instituta, Immo in hac nostra Scotia quod mirum est Orcades Iure Norvegorum utebantur, Donec publica Sanctione trium ordinum promulgatum est ut omnes Regni Scotiæ subditi eisdem Legibus gubernarentur: nec tamen id efficere poterint [*sic*] illud Statutum ut Veteres mores, et Leges
fol. 87. remitterent, quod etiam mirum est, cum ob minimum quodq, delictum rerum omnium amissio sequatur, quo nihil videtur iniquius, et tamen usu ita receptum, ut tolli ex animis hominum vix adhuc possit.

Trium Regnorum Aquilonarium, Daniæ, Sueciæ et Norvegiæ Unio.

Quod si cui hæc exempla non sufficiant, tres aut quatuor adunationes sive conjunctiones adducam, in quibus expresse cautum erat, ut quæq, provincia, quæ alteri etiam majori accesserat, integris tamen suis Legibus et moribus uteretur, in ea trium Regnorum Septentrionalium nempe Daniæ, Sueciæ, et Norvegiæ, Unione, quæ sub Ioanne primo facta est et apud Chytræum habetur expresse cavetur ut unumquodq, Regnum suis Legibus et moribus regatur sua instituta et Magistratus retineret : nulla edicta aut Leges imponantur nisi ex authoritate Comitiorum sive parliamenti illius Regni cujus subditis imponitur : nulla tributa aut exactiones novæ, nisi ex consensu ordinum illius Regni : nullum bellum Indicatur, neq, pax conveniat, nisi ex eodem consensu : nemo damnaretur aut custodiæ daretur nisi ex Iudicio procerum sive civium illius Regni in quo habitaret, vel saltem in quo delictum commissum est, et manserunt hæc capita illius conjunctionis sive adunationis quamdiu hæc

Regna In ea conjunctione permanserint, quemadmodum et adhuc eadem in Robore sunt apud Danos et Norvegos, nam Sueci ab ea adunatione in suum peculiare Regnum recesserunt. Alterum exemplum est in ea conjunctione sive adunatione totius Sarmatiæ nempe Poloniæ cum magno Ducatu Lituaniæ sub Iagellone, ante ducentos annos. Nam cum Iagello magnus Lithuaniæ Dux Heddigis hæredis Poloniæ nuptias consequutus fuisset, in tabulis dotalibus expresse cautum est, ut Ducatus Lithuaniæ perpetuo uniretur et conjungeretur cum Polonia, adeo ut unus et idem Utriq; Imperio perpetuo succederet, ita tamen ut Lituani suis antiquis moribus et instituti in futurum Regerentur, nec e Ducatu ad Regnum esset provocatio: sed ut Vilna esset primaria sedes Lituaniæ, ut Cracouia Poloniæ, et utraq; suum supremum senatum haberet, qui de inferiorum Magistratum [*sic*] erroribus cognosceret sine Appellatione; sed omnium clarissime id apparet ex iis conditionibus quæ a Philippo 2°/ Rege Hispaniæ Lusitanis oblatæ sunt, cum Regnum Portugalliæ sibi per successionem (ut aiebat) Debitum peteret, quas Licet Lusitani Initio rejecissent, hodie tamen observare certum est, conditiones autem hæ erant. *fol. 88.*

Ut Rex præstet solenne Iuramentum de conservandis omnibus consuetudinibus, privilegiis et Libertatibus Lusitaniæ Regno a prioribus Legibus concessis; ut Comitia ad res Lusitaniæ spectantia in ipsa Lusitania celebrentur, et ne in ullo alio conventu quidquam proponi possit, quod Regnum Lusitaniæ tangat; ut omnes Lites et facti species in Iudicium deductæ quicunq; casus sit vel quæcunq; summa fuerit definitive decidantur et executioni mandentur ex jure Lusitanico; ut Rex admittat Lusitanos ad officia aulæ et interioris Pallatii, more Burgundico, nullo habito discrimine inter ipsos et Castellanos, vel alios subditos suos; ut ad Utilitatem subditorum et totius Regni et ad augenda Commercia et familiaritatem cum Castellanis, Rex tollat vectigalia ab utraq; parte imposita; ut merces libere transportentur sicut fiebat, antequam ejusmodi portoria instituerentur, hæc omnia Rex concedebat, et ut responderet amori Lusitaniorum erga Reges suos, dicebat se nihil magis optare, quam ut in Lusitania semper aulam suam habere posset, sed administrationem

Conditiones a Philippo 2do Lusitanis oblatæ.

cæterorum Regnorum a Deo sibi commissorum, huic suo voto *fol. 89.* obstare; Nihilominus tamen se operam daturum ut quam sæpissime et diutissime quoad fieri poterit sit in Lusitania: et si nihil aliud interveniat se illis suo Loco unum ex filiis relicturum ut tum inter Lusitanos educatur illos cognoscere, magni æstimare et non minus quam ipse amare assuescat; publicatus fuit Catologus horum Capitum in omnibus primariis Regni Lusitaniæ Civitatibus, a Ministris Hispaniæ Regis, qui palam etiam profitebantur si Lusitani plura peterent Regem omnia concessurum, quod non dubitarent quin Lusitani (utpote Christiani) nihil vel a pietate vel ab æquitate alienum essent postulaturi, innuentes fortasse se tacite accipere ea, quæ ad inquisitionem pertinerent.

Cum Angliæ Rex Henricus 5us Galliæ Regnum sibi deberi tanquam Iusto hæredi contenderet, victorq, Ingenti prælio ad Agincurtam, opera Philippi Ducis Burgundiæ, ipsum Franciæ Regem Carolum 6um cum conjuge et filia in potestatem recepisset, actum est et conventum apud Trojani [*sic*] Campaniæ, de utroq, Regno Franciæ et Angliæ in perpetuum uniendo, prout ab utraq, gente tum utriusq, imperii unio sperabatur, inter eas conditiones aperte Iurat Henricus Cum hominium a Burgundo et reliquis paribus Franciæ recepit se Francorum Regnum secundum patrias Leges et instituta administraturum, Nobilitati suos honores illibatos sua Iura et privilegia intacta et immutata relicturum, parliamentum Lutetianum, et alia in sua autoritate servaturum, hæc et alia Capita Holinschedius, in sua historia expresse habet; idem sequutus est Franciscus primus in ea unione qua Armorica Britannia, Coronæ Franciæ conjuncta est, et ut aiunt in eodem incorporata; nam diserte cautum est ut armorici suis Legibus et institutis gauderent, et ne quicquam in iis immutetur, nec a priore Redonum Civitate in qua suprema ut aiunt parliamentorum sedes constituta *fol. 90.* prius fuerat provocatio ad ullam Iurisdictionem Franciæ esset; neve quis in causa appellationis, parliamentum Lutetianum, aut ullum aliud in Francia sequi, cogeretur; ut Nobiles et alii armorici ad officia Regni ffranciæ dignitates et munera publica promiscue et sine Discrimine cum ffrancis admitterentur; si quid gravius eorum mercibus vectigall impositum, supra Gallorum aliorum Conditionem fuerat, id minueretur; si

Lib. in Henrico 5to.

privilegio quocunq; in vectigalibus Gauderent, illud iis intactum relinqueretur et illibatum; Possum et illam Unionem quæ inter Polonos et Massagetas convenerat adducere, et fortasse alias quæ in hoc omnes consentiunt, ut quæq; Gens etiam majore unita et associata fuit, Legibus moribus et institutis suis frueretur; sed pro omnibus exemplis unus Hispanus sufficit, qui Licet duodecem Regna vel plura in Hispania hodie possideat, quæ tractu temporis, et mutuis affinitatibus, et ex iis successione in unum, potentissimum, coaluerunt, Licet præter Hispaniam et Baleares Insulas, Regna Siciliæ, Sardiniæ, Neapolis, Corsicæ, Mediolani, et omnes Belgii provincias, quæ unius potentissimi Regni Instar sunt, occupet, et unita et incorporata sub unius Dominio habeat, omnia tamen hæc Regna et provincias suis Legibus, suo Iure uti frui hactenus permiserit, satis conscius, aliter tranquillæ [*sic*] se ea possidere non posset [*sic*], immo omnium Calamitatum et turbarum quæ his triginta aut quadraginta annis in belgio contigerint, quæ alia fuit causa quam Legum patriarum et Libertatum imminutio? unde Luce clarius est non usque adeo ad hanc, quam quærimus, duorum Regnorum Unionem, Leges easdem idem Ius requiri necessario sane Veterum Legum, quæ Iam radices in mentibus hominum egerunt mutatio, plerinq; magnorum motuum occasionem præbuit, cum ad earum mutationem Reipub: mutatio sæpe sequatur (ut in communi proverbio est) quo vadunt Reges eo volunt Leges: Immo si in Legibus reprehendendum *fol. 91.*
aliquid sit facile non est illud aut tollere aut mutare: nam ut in corporibus nostris si aliquod malum diu invaluerit, et quasi altas radices egerit, putant medici præstare potius ut illud tolleretur, quam dum penitus tollere nitamur, totum Corpus commoriatur. In pace antiquitus contrahenda, aut fœdere faciendo, licet id convenisset, ut Romani populi Majestatem victi agnoscerent, Romani permittebant etiam, victis, ut suis Legibus, suis moribus timerent [*sic*], consilia sua, et cœtus haberent, sic Flaminius in Liberata Græcia sic Paulus Æmilius Devicta Macedonia fecit, sic Carthaginensibus victis pax data; recte sane Thuciddides Τὸ κακὸν ἐν κείμενον οὐ κινητέον, πασαι ἐν πολιτειαις και νόμοις μεταβολαι θανατώδες.

Magna inter Leges Angliæ et Scotiæ consonantia.

Nam secum mutationem status et Reipub: ferunt: sed Longe aliter res in nostra hac adunatione se habet, nam ut

antea in Relligione Dixi, nullum in capitibus Doctrinæ inter nos esse dissidium, neq; quod alteri negant, alteros affirmare. In forma tamen et ritibus aliquod esse differentiæ quod tamen pacem et unionem Ecclesiæ dissolvere non debeat; idem Iam in Legibus et Statutis affirmo, nullas esse Gentes quæ minus in Legibus et institutis hodie differant quam Angli hodie et Scoti: Immo in præcipuis Iuris fundamentis et capitibus consentire amicissime, in forma autem Iudiciorum dissidere; nec tamen ob id consonantiam juris et Legum impedire, et sane quod ad me attinet, Licet in Iure Anglico non magnos progressus fecerim, multaq; sunt in eo quæ me fugiant, tamen quantum Lectione potui colligere, non ea est, quæ vulgo circumfertur, hæc Iuris diversitas: Deus enim optimus Maximus eam naturalem auram, hominum animis inseruit, ut ad Iustitiam, sive Ius cognoscendum, in quaq; re proposita, inclinentur, et quasi ad eum Scopum animum intendat [*sic*], et colliment: Deus enim metuens ut Protagora ait Plato, ne totum genus humanum interiret, donavit hominibus pudorem, et Iustitiam, ut essent civitatum ornamenta, et vincula et Amicitiæ conciliatrices, cumq; hoc dei ipsius munus sit, et naturæ humanæ inhereat, fieri non potest quum [*sic*] ad unum finem tendat, ut Ius ab injuria decernat, æquum ab iniquo; neq; enim quod a deo et Natura proficiscitur, Natura (inquam) incorrupta a se decidere potest, licet pro Locorum, personarum et temporum diversitate aliquando varietur, itaq; cum omnis Iuris Iustitia sit finis (i.e.) ut quod suum est unicuiq; æqualiter tribuatur, et ad hunc finem non nisi per Iudicia Legittima perveniatur, De his itaq; videndum, et an eadem forma aut ratio Iudiciorum sit utrobiq;, an vero diversa, ut vulgo creditur.

fol. 92.

Iustitia animis hominum a Deo Insita et Ingenita.

Et primo omnia Iudicia vel privata sunt vel publica, publica ea dicimus quæ ad rem publicam rite administrandam seu conceruandam pertinent, et aliqua publica Lege sunt Sancita, cujus violatoribus pæna constituitur, et præcipue circa crimina versatur, quorum coercitationem Respub: sibi præcipue vendicat; at in his criminalibus Iudiciis, nescio an ulla sit differentia, Immo ne in forma quidem est apud Anglos crimen quod idem apud nos etiam non sit crimen sive perduellionis, homicidii, furti, fæloniæ crimina enumeremus, sive alia minora et Eadem

In criminalibus judiciis idem in utraq; gente jus jurisq; forma.

Iustitiæ severitate apud nos omnia crimina coercentur (cum capitalia sunt) quo apud Anglos; nec fere aliquod apud eos delictum est, quod criminis nomen meretur, quum [*sic*] et idem de eo apud nostros existimetur, at in Criminibus non Capitalibus, non semper eadem forstasse [*sic*] utrisq; pœna est, sed hæc non Capitalia severius a vicinis nostris vindicantur, quam apud nostrates: nobis enim nescio quo pacto mitiores pœnæ placuerunt, nec semper tam severis suppliciis in ræos et

fol. 93.

damnatos animadvertitur quam apud Anglos sic in publicis Iudiciis alteri ab alteris non dissentimus, Immo fortasse ne in forma procedendi, cum utrinq; Criminis Investigatio per quæsitores fiat, qui antiquitus et veteri Romani [*sic*] Gentis more constituto, Iam Iudicio utrum reus qui in Iudicium vocatus est nocens an innocens anquirebant, ex his quæsitoribus reo Licebat rejicere, quos sibi putabat aut iniquos aut aliqua Iusta causa incommodos, et in eorum Locum alii a Iudice sufficiebantur, Iuratiq; sententias ferebant: itaq; hæc forma criminis inquirendi a Iure civili Romanorum originem sumpsit Licet vicini nostri nulli populo sed sibi sua Iura debere, se falso opinionis errore existimant: in hoc ordine quæsitorum

Differentia in Numero inquisitorum.

(quem nos inquisitionem vocamus) eadem forma utriq; Genti communis est, nisi quod nos quindecem virali Quæsitorum Iudicio examinandum crimen committimus, vicini nostri Duodecem Iurali [*sic*] plerumq; Iudicio nos impari quæsitorum numero illi pari utantur, nostris sufficit si major pars in unum consenserit ut quod a majore parte fit, ab omnibus id factum putetur, illi nihil factum putant, nisi omnes consenserint in unum, itaq; donec omnes consentiunt, sæpissime includuntur, et exitu eis interdicitur: Nostri Ius civile sequuntur, in quo

L: majoris ptis.

si major pars convenerit, statur ei[a]: et pro pleno consensu accipitur, et quod cum Iure Canonico convenit[b]; tamen Angli

Tit: de his quæ fiunt a majore pte Capituli.

suas habent Rationes quibus se tuentur quæ apud Fortescutum invenientur, in Lib: De Excellentia Leg: Angliæ.

De Privatis judiciis.

Iam de Privatis Iudiciis agamus, et ea quidem vel circa personam vel res versantur, quod ad personas attinet; suppressa Iam in omni Repub: Christiana est, servitus et Servorum mentio, nam hodie Domino vitæ et necis potestas in servum non est, cum ad Regem omnium hominum cum vita et membra

fol. 94.

pertineant, neque ullum Servi peculium Dominus sibi potest

vendicare, neq; manumissione est opus: famulis tantum utimur mercenariis, qui utrobiq; mercede conducti in Annum vel sex menses serviunt Liberaliter, hujus servitutis, nullæ apud nos reliquiæ, apud vicinos nostros quædam supersunt monumenta servitutis in Colonis, qui prædiis ascribuntur, et ascriptitii Coloni a Iustiniano dicuntur, hos illi Nativos vocant, alii servi nulli in quavis Gente sunt, nisi si qui instituendi in aliquo opificio, constituto tempore, artificibus tradi solent; hi enim potius sub præceptoribus esse, quam sub servitute dici possunt; quod ad alias personas attinet, mirus utriusq; Gentis consensus, patria potestas debilis, nec eisdem repagulis coarctata quibus Iure civili Romanorum fuerat: Nam Iure civili nemo se a patria potestate, invito patre, potest eximere: jure Britanniæ, si quis major, se a patria potestate subduxerit, poterit parens eum exhæredare, et alium in prædiis suis investire; nam aliam exhæredationis formam, neuter populus habet, vel in testamento filium intactum præterire, ea sola patriæ potestatis, utrobiq; ratio est, minores utrobiq; si capti si læsi fuerint, Ius illius contractus et facti, quo læsi sunt, rescindendi et revocandi habent; et eodem modo restituuntur in tutoribus et Curatoribus vel creandis vel removendis (licet tutoris vel curatoris nomina Angli non Agnoscunt) et in rationibus reddendis eædem utrobiq; actiones, eadem actionum forma, et cum Iure Romanorum sive Civili in omnibus consentiens, in matrimoniis eadem affinitatis et consanguinitatis ratio, utrinq; eadem graduum enumeratio, idem Liberorum respectus, idem Ius viro in rebus dotalibus; In testamentis et ultimis voluntatibus in quibus non minima versatur rerum mobilium Dispositio, eadem vis, eædem utrinq; formæ, tam in
fol. 95. condendis quam exequendis, eædem actiones executoribus et contra executores, eodem modo confirmantur et inseruntur in Registris, ut in Iure canonico præscribitur; sic si personas quæ actiones constituunt spectemus, nihil pene discriminis reperiemus, quin quod apud vicinos nostros liceat, non idem et apud nos licebit, aut quid uni respectu interdicitur, non et alteri prohibeatur.

In rerum mobilium Contractib: et Distractib: juris eadem Comunio est.

Si res in Iudicium deducuntur, omnes aut sunt mobiles aut immobiles; at in rebus mobilibus, nisi vehementer fallor, eadem est utrobiq; Iuris dicendi ratio; nam res ex contractu

debentur aut ex obligatione, horum species cuivis, etiam in Institutionibus Iustiniani reperire licet, ego generaliter percurram; nam quandocunq; res mobiles in contractum aut obligationem deducuntur, aut scriptum facto intervenit, aut sine scripto obligatio perfecta est, si contractus celebratus est in scripto, hoc utrinq; observatur, ut Scriptura legem contractui det, ne quis ultra id quod utrinq; promissum est, convenire possit; idem in obligatione quod si scriptum non intervenit, tunc natura cujusq; contractus Legem utriq; facit, ut nempe venditio non sit nisi prætium intervenerit, neq; Locatio sine mercede, neq; mutua permutatio sine mutua et reciproca unius rei pro alia traditione, ut dominium semper per traditionem transeat, et periculum Domini sit donec tradatur, isq; ex Lata, levi et levissima Culpa ita tenetur, ut natura contractus exigit si sit bonæ fidei, itaq; eodem modo emptiones, et venditiones, Locationes, conductiones, Immo stipulationes, et fide Iussiones, utrobiq; celebrantur; et eadem forma nisi fallor contractus est, ut primo quilibet in id quod promiserit, et cuivis est debitor teneatur, si dubium oriatur natura Contractus inspicienda est, quid is requirat, præcipue si bonæ fidei sit, alias nec id sensisset [*sic*] quis putatur, quod non aperte promiserit, et hæc breviter de rebus mobilibus, At in *fol. 96.* rebus immobilibus Longe altior consideratio, longe major forsan et consonantia; nam cum rerum mobilium Dominia facillime ex commerciis et aliis Contractibus quotidie in alios transeunt, prædia vero familiis destinentur, unde et Regni fulchra, et insignium familiarum contumationes [*sic*] cum prædiis nascuntur, major in eis et conservandis et retinendis diligentia, major in amittendis cautio adhibenda est, ne procerum (nam eis stantibus stare Rempub: necesse est ut cadentibus cadere) Nobilitas quæ sine prædiis et latifundiis continuari non potest, obliteretur, itaq; videndum est si in rebus immobilibus et prædiis consonantia Iuris et Legum inveniri possit in utraq; Gente.

De Rebus Immobilibus.

Iura prædiorum, quibus Anglia hodie utitur, non eadem fuisse ante Conquestoris tempora, certissimum est, nam de Regibus [*sic*] Britannorum sine quibus tamen stare ea Respublica non poterat, nihil certi habemus, neq; verisimile est eos legibus suis unquam usos, cum sub Romanorum essent Dominio pene

quingentis annis, Dominorum enim est Leges et Iura præscribere, subditorum et qui Iugum acceperunt parere imperatis, divulso mox in partes Romano Imperio, Britanni ab eis deserti, licet inviti, et a peregrinis gentibus vexati, Saxones in auxilium advocarunt, et a stipendariis [*sic*] suis omnibus bonis et prædiis exuti, in Walliam sive Cambriam pulsi sunt, non solum nullis legibus, sed ne historia quidem Gentis relicta, ut ex Epistola Gildæ constat, itaq. ante Romanorum Iugum excussum, tota Britannorum Historia ffabulis annilibus [*sic*] est corrupta, Saxones rerum potiti, postquam sedes in ea posuissent, Leges nullas publicas, quæ extant Scripto reliquerunt; in Heptarchia verisimile vix est idem Ius apud omnes fuisse, cum unus non *fol. 97.* esset omnium provinciarum Rex, non unum consilium, et potius se invicem laniando, quam Ius dicendo exercerent cum Leges ferre ceperint, tunc Iura prædiorum Scribebant; Extant adhuc Leges Inæ, sed hic ante finitam Heptarchiam occidentalium Anglorum Rex erat; extant et Edmundi, Athelstani [*lacuna*] et Edwardi Regum statuta, in quibus aliqua ad pietatem, alia ad crimina compescenda sancita facile inveniemus; rara tamen, quæ ad Reipublicæ, aut privatæ administrationem et curam attinent; Itaq. nullas aut raras fuisse Leges, quibus tanta Respublica, saltem privatorum res administrari poterant; certum est, Saxonum Regnum, postquam sex secula, et aliquot annos durasset, a Conquestore occupatum est, qui nullum odii genus in Anglos præteriit; nam præterquam quod arma omnibus ademisset, et de mutando ipso Angliæ nomine aliquando deliberasset, ut Carodocus, aut [*sic*] omnes tam proceres Anglorum quam Ecclesiastici ordinis bonis mulctavit, cum suspectum [*sic*] haberet eorum fidem, et quia a Scotis eos amice recipi, et honorifice tractari perceperat, etiam in Scotos sed nullo successu arma movit; Itaq. ne quid indignitatis in eos omitteret, Leges suas priscis antiquitatis Angliæ intulit, Normanni tum Iure Gallico utebantur, cum Galliæ essent pars, nam Carolus Cognomento magnus, everso Longobardorum Regno, Leges tamen Longobardorum, quod æquissimæ visæ essent, non sustulit, sed in suam Galliam attulit, quibus omnis Gallia, Ducentos pene annos ante Conquestorem usa est; Ius ergo Longobardorum sive feudale, Conquestor Angliæ imposuit, quo non solum hodie Angli utuntur, et Reguntur, sed et

Scoti; Immo quod ab omnibus Europæis Gentibus quæ hodie regnantur, ob suam æquitatem receptum est, priorq; Locus Iuri feudale [*sic*] datur, hodie in omni foro tam in Britannia, quam Gallia, Italia, Hispania, et Germania, et quod magis mirum est in ipsa Turcia, nisi quod apud eos feuda tantum sunt *fol. 98.* vitalia; itaq; Longe sua opinione frustrantur vicini nostri qui sibi solis Ius suum debere se putant, nec quicquam commune cum Legibus aliarum Gentium habere; utrum vero nos ab Anglis Ius feudale recepimus, quod nonnullis ex causis Colligi potest, an vero ex consuetudine Gallorum, aut alia nata occasione, incertus pene sum; sed certissimum hoc est totam hodie Britanniam in prædialibus Iudiciis uno jure et eo quidem feudali uti; quod si quid explicatione Dignum est, aut nodus aliquis nascatur, tum Ius dicitur ex aliquo statuto, vel ad Ius civile, aut canonicum recurritur: sed si eadem ibi quæstio, aut si similis Locus, aut Disputatio occurrat, nam tum Iuris Anglici peritissimi Argumentis ex Iure Civili petitis Ius suum Instruunt, et causas dijudicant. Legi aliquot decisiones Dierii Plaudini Brochtoun, Italiorum Iurisprudentum [*sic*], qui in Anglia celebriores sunt quorumq; Libri hominum manibus hodie teruntur; sed pace viciniorum [*sic*] dixerim, multa in eis annotavi, quæ Rationibus a jure civili et ejus doctoribus deductis definita sunt; sed maluerunt illi potius sibi, quam Iuri civili, cujus tanta apud omnes Gentes autoritas est, ea debere.

Tota Britannia hodie jure Feudali regit;

Sed ut ad res immobiles redeamus, omnes illæ soli sunt, vel ad solum pertinent, sed nulla soli pars hodie est, quæ non in feudo de Domino Rege aut alio superiore in fide tenetur, et provide [*sic*] feuda vocantur, sive ea sunt Rustica sive urbana, quæ Burgalia dicuntur: at omnium feudorum una est apud utramq; gentem natura, nam utrobiq; Dominia sunt directa et utilia; Nos superioritates et tenendrias dicere solemus, harum multa sunt genera, nam quæ ad proceres spectant, ea nobilia sunt, alia his inferiora, privata sunt feuda: utraq; autem sunt aut franca, quorum tamen rarius [*sic*] est apud vicinos nostros usus, *fol. 99.* aut militaria, aut Soccomanniæ, sub his Burgalia et Emphiteoses (nos feudæ firmas dicimus) Comprehenduntur, quod certum et firmum Canonem habent pro cuivis [*sic*] solutione annuatim, tenentur Domino Coloni; sunt et feuda quæ ad manum mor-

tuam tenentur, Nempe Ecclesiastica : in his omnibus feudorum Generibus, Immo et definitionibus, certus est utriusq; Gentis consensus, communes utrinq; regulæ, nempe et in omnibus de feudis actionibus, investituræ tenor primo inspiciatur et servetur, verborumq; vis [a] diligenter expendatur, nam ex iis pendet vis totius investituræ, in his quædam substantialia sive naturalia feudorum sunt, sine quibus feudum consistere non potest; qualia sunt nomina Domini concedentis, et Vassalli, cui feudum conceditur, Conditio hæredum, quæ si non exprimatur, nisi in Genere, qualescunq; intelliguntur; modus Tenendi dictum feudum, et quid Domino suo Vassallus nomine feudi debet præstare; reliqua sunt accidentalia, quæ vel tolluntur vel adduntur ex arbitrio Domini concedentis, attamen ex hac clausarum additione, vel expressione, dum quæ fuerat mens Domini ambigitur, omnes Iuris Anglici ambages et difficultates nascuntur, quæ innumeris (dum quæ furit [*sic*] mens concedentis, controvertitur) Dubitationibus, homines involvunt, nobis simpliciter investiture tenor placet, et tamen in his omnibus nullam aut per exiguam Iuris inter utramq; gentem differentiam conspiciemus, Immo hoc etiam admonendi sumus, quod omnes investiturarum tenores et formas verisimiles, nos a vicinis nostris accepisse; extat Liber Londini excusus per Iacobum Walle, anno 1546 In quo omnes formæ chartarum feudalium
fol. 100. sive investiturarum, quibus hodie utraq; Gens Communiter utitur, adeo apte et convenienter describuntur, ut utri Genti sunt descriptæ, pene incertum sit, Sunt et alii Libri qui præsidentium nomine inscribuntur, adeo in his formis invicem consentimus; habebamus tamen et ante quasdam chartarum formas; sed eas breves, et ut antiquitatem decuit, simpliciores, quam sunt hodie, et priscis Anglorum chartis (qualis est illa Athelstani Regis facta Paulino cuidam) similiores, quam hodiernis, quod si eædem formæ investiturarum ab utraq; Gente observentur, idem in omnibus investituris, Ius utriq; populo esse necesse est, adde quod multa eo Libro, qui Londini excusus est, et aliis continentur, quæ eodem apud nos observentur, modo quo apud Anglos; nec in ipso Iure ulla diversitas, nisi quanto a majoribus Longius recedimus, tanto magis inter nos dissidemus; si ergo res (cum difficultas oritur) ad suam primogeniam revocentur naturam (ut in canalibus

[a] Vis omnis Feudorum a verbis Investituræ pendet.

fieri solet, si quando vitientur, ad fontem ipsum recurritur) si quæ ab initio vel feudi natura, vel tenor vel conditio inquiratur, non dubito, quin in plerisq; difficultatibus, quæ ex nimia curiositate utrinq; hodie oriuntur, quibusq; Iudices implicantur, facile possit veritas emergere, et deprehendi; præterea in his feudis Dominium sine traditione (quam Sasinam, a Gallica voce, quæ investiturum [*sic*] significat) non transit, sed eque necessaria in omnibus feudis est utrinq; ; itaq; cum in feudis (i.e.) rebus immobilibus, maxima pars Reipub. totius consistat, Immo tota fere salus, eademq; feudorum in utraq; Gente ratio, eædem species feudorum occurrant, eadem in utraq; Gente forma in eis acquirendis videtur, extra omnem disputationis aleam positum, Iuris eandem esse in utraq; Gente originem, et progressum, eisdemq; Legibus et conditionibus feuda utrinq; constitui, et acquiri, et proinde quicquid in Iure utriusq; populi discriminis est, facile posse conciliari.

Traditio utrinq; necessaria.

fol. 101.

In progressu feudorum idem observabimus, nam eis constitutis et acquisitis, eadem ratio utrinq; est feudum in alios continuandi, veluti per renunciationem, quam refutationem feudiste vocant, vel per renovoationem [*sic*], vel per successionem, quorum trium eadem est apud utramq; gentem forma; nam Vassallus vel feudum simpliciter refutat, quod in manibus solius Domini sit, aut in favorem, vel suum et suorum hæredum aut conjugis pro conjuncta investitura retrofacienda, aut in favorem alterius, cui feudum alienavit aut disposuit, nec ullum in hac forma inter omnes Britannos est discrimen; quod ad renovationem attinet, ea potissimum fit, cum aliquid de prioris feudi natura vel conditione mutatur, novaq; conditio aliqua convenit in successionibus, cum filius in Locum patris aut alteriusve defuncti, cum proximus est hæres, sufficitur et substituitur, manente prioris feudi natura et conditione, nulla alia forma successionum in Anglia quam in Scotia est utrinq; enim res per brevia, quæ de morte antecessoris dicuntur, expediri solent, et in his brevibus, cum ex inquisitione procedant, eadem ratio successionis utrinq; observatur; in fæminis idem Ius ut Hereditas inter filias aut sorores (aut alias si non sunt mares, et in æquis gradibus sint) in Capita Dividatur, reservata tamen filiæ maximæ natu sua etiam prærogativa, nempe principali mansione defuncti, cui succeditur: nam ea in

De Feudi Continuatione.

Nulla alia Successionum ra° aut forma una in Gente, quæ non in alia.

divisionem non venit, ut neq superioritas Vassallorum, quæ tota primogenitæ filiæ debetur; ne vassalli, inter plures dominas
fol. 102. pro renovatione investituræ, si suæ vexentur aut turbentur; itaq in renovatione sive continuatione feudorum, nulla inter nos prorsus est differentia, nisi quod in Cantio, Ius Gavelkynd servetur, ubi omnes pariter Liberi in Capita succedunt, et quod tempore ægritudinis, ex qua quis moritur, apud Anglos, licet de omni conquestu testare [*sic*], apud nos non item, cum ea tempora suspicionibus sunt obnoxia; quam maxime, et proinde hæredum Iura quoquomodo fas non est invertere; et sic in his quæ successionem impediunt, nulla pene est differentia: quod ad conjunctas conjugum investituras attinet, quas conjunctas infeudationes dicimus, et viduarum trientes in bonis immobilibus defuncti, quas Dominarum tertias solemus appellare, et Curtesiam, quam Angli sibi solis ascribunt, cum eadem tamen a Scotis et Normannis in usu sit, eadem utrinq observantur, quatenus ad ipsa prima Capita pertinet; rursus si dominorum iura in vassallos expendamus, eadem utrinq invenimus, nempe in militaribus feudis ius guardiæ sive custodiæ, et jus maritationis heredis defuncti, quæ utraq ex feudali discendunt: nam vassollus, impubes aut minor, cum ipse se tueri non potest, in Domini tutela et Custodia est; cui enim melius vassalli pupilli Custodia credi potest, quam Domino, a quo omnia habet, de quo feudum suum tenet, et renovationem investituræ petere necesse est, tam arctum inter Dominum et Vassallum, ex Iure feudali presumitur amicitiæ et fidelitatis vinculum, ut nulli potius defensio vel tutela Vassalli minoris credatur, quam Domino a quo vel ejus Majoribus, omnes facultates Vassalli discenderunt, interea tamen cum Vassallus ob ætatem servire non possit, nec militia neq consilio (ad
fol. 103. quod utrumq tenetur), per ætatem dominum Iuvare, feudum ipsum Domino servit, (i.e.) ejus fructus debentur pro oneribus vel militiæ vel consilii sustinendis, donec minor hic ætatem impleat, quæ utriq conveniat, nempe et ad serviendum in militia, et consulendum in Domesticis, et tum feudi sui fructus recipit, et in solidum Ius sui feudi succedit: interea vel ejus Custodia apud Dominum est, cum nullibi in rebus vel militaribus, ad quas tenetur, neq politicis instrui videri possit, Quam apud Dominum, qui ejus opera tam domi quam militiæ

uti voluerit vinctȝ habet, quod si alioquin apud parentes custodiatur, tantum a domino recipit, quantum ejus honestæ educationi sufficiet, quo in minore ætate contentus esse debet, cum alioqui Legibus et conditionibus investituræ par esse non possit: nec alia ratio est maritationis hæredis, nam et ea utrinq; Domino, si feudum sit militare debetur, æquissimum enim est dominum potestatem Vassalli pro arbitrio maritandi habere, ne forte cum inimicis Domini affinitatem contrahat, fructusq; feudi in Domini sui pernitiem, aut inimicorum Commoda convertat; De Iurisdictione Domini in Vassallos, et eos qui suæ curiæ sive curti subjiciuntur, quatenus extendatur, nulla ut opinor varietas; de Regis prærogativa et Regalibus, ut in Iure dicuntur, sive Regum privilegiis, eadem utrinq; consonantia; sic in spuriorum successionibus, et bastardiis, nam apud utramq; Gentem, spuriorum nulla est successio, aut si quæ sit ea ad Regem tanquam Coronæ privilegium pertinet, sic in non introitu, quem vocant, cum Vassallus a petitione novæ investituræ abstinet, nec ut debet dominum recognoscit, ejus contumacia ex Iure feudali, si unum annum a morte defuncti continuaverit, feudi privatione punitur: at Britannis mitiores penæ semper placuerunt; nempe, ut ex mora non petitæ renovationis, fructus illius tantum temporis, quo Vassallus Dominum non agnoscit, ad Dominum pertineant. Hæc de feudi Initiis sive acquisitione, et eorum retentione, nec in feudorum amissione Discrimen aliud occurret, sed mira inter utramq; Gentem Iuris communio: feudum enim amittitur, vel Voluntarie ex dispositione Vassalli, aut refutatione, quam nos renunciationem dicimus, sive ea sit quæ in Dominum sive alterius favorem fit, et ex ingratitudine Vassalli, si feudum suum, sive feudi partem meliorem alienaverit, ut domino Domi militiæq; non possit commode inservire, et Domino alium pro se qui serviat, velit obtrudere: aut si in Dominum, aliter peccaverit: vel ejus consilia graviora, quæq; ad Domini dignitatem, famam, vitam, aut opes tuendas pertinent, prodat: si in bello eum deserat, et fugiat, si Dominum hostiliter invaserit, noxam ei aut ejus conjugi, aut filiabus, dum in Capillitro [*sic*], sunt intulerit, si castrum in quo Dominus est sciens obsederit, si monumenta feudi Domino postulanti, non ostenderit: fines non commonstraverit: et quæ aliæ sunt ingratitudinis in

Unde Maritatio Heredis.

Unde non Introitus.

fol. 104.

Nihil Discriminis in modis Feudi Amittendi.

Dominum, pro tot beneficiis notæ et argumenta, ea omnia in utraꝗ Gente Vassallum feudo privant; quanquam ut verum fatear, rariora sunt exempla, quibus ob ingratitudinem Vassallus feudo privatur, aliqua tamen occurrunt, Adde quod in omnibus his feudorum renovationibus et successionibus, eadem petitionis est forma; nempe per brevia, quæ Anglis adhuc sunt frequentia, adeo ut supra numerum centum et plurium formarum excedunt; nulla enim pene res ibi in Iudicium deducitur, nisi per brevia, apud nos in plerisꝗ civilibus actionibus, brevia sublata sunt, aut in usu esse desierunt, præterquam in successionibus, de morte antecessoris, sive ea [*sic*] talliatæ sunt, sive Communes sive discendentium, sive collateralium; sic in Dominarum triente ei restituenda, et in actionibus finium regundorum, quas perambulationes, familiæ herciscundæ, communi Dividundo, et si quæ sint similes actiones, brevibus utimur; reliquæ actiones, Commodius per Libellum expediri didicimus, reosꝗ paratiores ad se defendendum, et in in [*sic*] se Iudicium recipiendum, cum forma petitionis, et causa, et quæ alia requiruntur, in Libello expressa viderint, quam si ad respondendum cuidam brevi ad instantiam N. R. impetrato, sine expressione causæ, comparere moveantur; In summa, quod ad Iuris decisiones attinet, idem fortasse apud utramꝗ Gentem servatur; nam primus in Iure apud utramꝗ gentem datur in Iudicando locus Iuri statutario, quod ex statutis parliamentorum elicitur, si quid in parliamentis præcipitur, prohibetur vel permittitur; itaꝗ ex ipsis parliamenti verbis prima Iudicandi ratio est, isꝗ honos eis debetur, ut primas partes in omni tribunali teneant, nec licet ab eorum verbis recedere, nisi aliquando per interpretationem, si statutum fuerit odiosum, nam tunc ejus verba, quantum fieri potest, restringuntur, si favorabile rursus extenduntur, ab iis, qui Iudicandi munere fruuntur, quod et Iuri civili commune cum utraꝗ Gente est.

[Margin: In quibis actionibus Brevia sunt necessaria.]

[Margin: *fol. 105.*]

[Margin: Primus Locus in Iudicando apud utramꝗ Gentem datȝ Statutis, sive actis parliamentorum si quid in iis Expressum sit.]

Si nihil ad decisionem in statutis reperiatur, ad Ius commune Angli procedunt, quod jus patrium dicitur, et ex Iure quatuor Gentium, quæ Anglis imperarunt conflatum; hoc Ius Anglorum Reges cum inaugurantur, se solenniter promittunt, ut intactum et sanctum, observaturos; ejus Iuris aliqua axiomata subjiciam, ut Ius illud Commune, a nostro non multum differre, omnes intelligant; Hoc Iure communi Cavetur, ne

[Margin: Secundus locus apud Anglos juri Communi.]

quis rei, quam possidet possessione privetur, aut custodiæ tradatur, nisi citatus et Legitimo Iudicio damnatus ; primogenitus masculus in assem hæreditatis succedit, filiæ in Capita, quod et in fratribus Locum habet, ut Natu maximus tanquam propior in hæreditatis assem succedat, et in sororibus, ut pro virili parte tantum ; sic etiam in ulteriori Linea observatur, feudum non ascendit ad patrem aut avum, in directa Linea, *fol. 106.* nec qui ex dimidio sanguine est, sive ut nostri aiunt, qui ex alterutro parente tantum est, succedit in feudo, sed ulteriori Locus est ; nam fratri in feudo, frater ex alia conjuge susceptus non succedit ; sed tantum patruus, At patruo mortuo, sine Liberis, frater ex alia Conjuge, qui patrui nepos est recte ei succedit in feudo ; si extraneus Ius Civis, ex indulgentia principis nactus fuerit (quod illi denizationem vocant) et postea filios susceperit, hi in successione feudi paterni præferentur filiis ante Denizationem natis ; cessante descendentium et Collateralium linea, feudum ad Dominum redit ; primogenitus ex multis fratribus, cuicunq, mortuo succedit in conquestu Ratione dignitatis, et primogenituræ, non immediate præcedens aut sequens, Testari de feudo non Licet ; feudum simplex paternum nunquam ad materni Generis propinquos pertinet, sed potius Collateralibus deficientibus ad Dominum redit ; Conquestus tamen deficiente paterna propinquitate, ad Consanguineos ex materno Latere devolvitur ; mortuo filio in feudo sine Liberis, feudum non ad patrem sed a [*sic*] patruum pertinebit ; Ita tamen ut si post pater ex eadem Uxore filium susceperit, Is rescissa priore successione, in assem succedit fratri Longe prius mortuo, sive [*sic*] Sasina Dominia rerum non transferuntur nisi in permutationibus ; In Locationibus quia idem Dominus remanet Sasina non est necessaria ; bona moventia non ad hæredes, sed ad executores ultimæ voluntatis defuncti pertinent ; sic Ius illud Curialitatis sive Curtesiæ, quo vir prædiorum uxoris Defunctæ usum fructum habet, et usufructus tertiæ, sive trientis, qui viduæ defuncti debetur ; Ius vero custodiæ et Maritationis hæredis et etiam Relevii, ut dicuntur, ad Dominum pertinent ; hæc axiomata, ideo apposui, quia cum Iure nostro in plerisq, conveniunt, et ut facile, intuenti apparet, magna ex parte ex Iure feudali sunt *fol. 107.* desumpta, Licet illi dissimulent, nullumq, Ius, nisi suum

agnoscere se profiteantur, de his axiomatibus vera ne sint Iuris communis axiomata, Iudex ipse pronunciat, neq; ad duodecem virorum Sacramentum, ut alia et præcipue, quæ in facto consistunt, hæc remittuntur, neq; ab iis axiomatibus, unquam Iudex temere recedit; si fecerit, appellatio parti Læsæ permittitur, ad Iudicem superiorem, qua peracta et sententia rescissa, Iudex pæna omnium bonorum amissionis punitur, quod illi in misericordia Domini Regis poni dicunt.

Tertius locus Axiomatibus quibusdam Generalibus.

Si neq; in statutis publicis neq; in hoc Iure communi inveniatur, quod Relligioni Iudicantis satisfaciat, ad Maximas quasdam Generales recurritur, quæ quidem maximæ, licet omnino non eandem autoritatem, cum axiomatibus Iuris communis habeant, ab eis tamen pendent, et proximam ab eis autoritatem habent, hoc tantum est Discriminis, quod illud Ius Commune omnibus Doctis et indoctis pariter notum est, hoc tantum Doctioribus, quiq; in foro sive Iudiciis exercentur, Id ex quarundam harum maximarum enumeratione, facilius patebit, Prima est, Scutagium incertum inducit militare servitium, certum tantum Soccagium, qui pro Custodia Castri tenet feudum, Licet militare sit servitium, non tamen Scutagium debet, ratio est quoniam in periculis custodia Castri ei pro Scutagio et servitio est, qui tamen certum reditum habet, ex hoc castro annuatim percipiendum in Soccagio tenet; præscriptio in feudis Locum non habet neq; ea dicitur præscriptio, cujus incipientis memoria extat, quod usu fructus assignatio fieri possit, etiamsi nulla in ejus constitutione assignatorum mentio, feudi sive rerum immobilium, sine scripto nulla petitio secus in mobilibus, Confirmatio ejus qui tempore

fol. 108.

confirmationis jus nullum habuit, irrita est, neq; Ius ei superveniens proderit, nisi de evictione prius cavit; si rei furto ablatæ valor duodecem nummos superet, fur laqueo punitur, si minor sit cum eo agitur mitius; qui a corpore alicujus sustulerit aliquid, omnino capite Luet, et id genus infinita alia, et his maximis sive axiomatibus, tertius in Iudicando, apud Anglos Locus est; et maxima sive axioma sit necne Iudicis arbitrio, et non duodecem virali inquisitioni permittitur; et hæ maximæ, jus Consuetudinarium, quia ex consuetudinibus constat dicuntur et Ius feudale omnino sapiunt ut postea apparebit.

Post statuta, jus Commune, et has generales Regulas sive propositiones, si nihil certum ex eis possit colligi, ad id, quod in ea Regione maxime observatur, recurritur; nempe ad quædam axiomata, sive maximas speciales illius Regionis, ubi res agitur; nam alio Iure Cantiani, alio Essexiani, Northfolciani, alio Suffolciani et Cantuarienses utuntur; quod ex eo provenit, dum diversi in diversis partibus regnarent, jusq; dicerent, necessario fiebat, ut diversæ consuetudines nascerentur; Exempli causa in Cantio inveterata consuetudo est, ut omnes filii ex æquis partibus et in capita succederent, Idem in filiabus observant, Licet primogeniti prærogativa, generali axiomate et consuetudine sit confirmata, apud Notingamos ex pluribus fratribus minimus Natu succedet in Assem, neq; illi suis Rationibus destituuntur, quod Natu minimus paterno auxilio potius indigeat, et proinde quod pater ei præstare non potest, jus Supplet. Londinenses de suo feudo contra Ius commune testantur, quod tantum In Burgalibus feudis locum habere puto, Sic in nonnullis Regionibus, felonia patris filio non præjudicat in successione, in nonnullis observatur; ut vidua bonorum a marito relictorum dimidium Lucretur, si celebs manserit, sic ut vir dimidium hæreditatis uxoris ea præmoriente consequitur, Licet nulli ex eo matrimonio, liberi relicti sunt; hæc digito mihi commonstrare sufficiat, ut nostri Iuris Anglorum originem et fundamenta quasi per transennam tantum præteriuntes [*sic*] intelligant; neq; enim est nostri instituti hoc loco per universum jus Anglorum discurrere, Admonendi tamen sumus, in his consuetudinibus, hæc præcipue attendendum, si consuetudo hæc memoriam hominum excesserit, nam tum in Legem abit, aut saltem Legis vim aut autoritatem habet; differt tamen consuetudo a præscriptione, quod consuetudo Generaliter sit, et unius provinciæ communis, præscriptio vero ad aliqua separata Dominia, et Baronias, sive parochias virorum nobilium extendatur; nam solent pleraq; in una Baronia sive Parochia observari, quæ in alia non habent Locum; exempli causa, assedationes sive rentalia, in quibusdam Baroniis vitalia sunt, in aliis nisi tempus exprimatur anualia tantum, a nonnullis etiam hæreditaria, ut apud nos in terris Ecclesiasticis sedis Glasguensis et Pasleensis Monasterii hactenus est observatum;

Quartus Locus axiomatib: quibusd'illius loci in quo res cita est.

fol. 109.

Immo rentalia quæ vocamus in occidentalibus Scotiæ partibus vitalia esse solebant, eorumq; de libris Dominorum extractio, pro usu fructu erat; hodie cautius res agitur, ut pro vitæ tempore exprimatur, ne Dominis eludendi, ex Iure Communi occasio relinquatur; itaq; hæc præscriptio magis specialis est, quam consuetudo, jusq; præscriptum ab eo tempore quod hominum memoriam excedit, dicitur. Si neq; de consuetudine neq; de axiomate aliquo generali aut præscriptione constet tum rerum similiter præcipue in Banco Regio judicaturum [*sic*] autoritas in decisionibus prævalet, et ex his præcipue controversiæ novæ judicantur, si ostendetur ita alias Iudicatum fuisse nec ulla alia exceptio vel replica contra hanc formam Iudicandi solet objici, nisi quod casus variatur, plerumq; ex minimis circumstantiis tota hypothesis facti solet immutari; hic frequentes illi de Casibus (sic enim hypotheses facti vocant) Ploudini Libri; sic de casibus Iudicis Diarii, et aliorum, ut omnes in Iudicis [*sic*] controversiæ inde pendeant; si quis similem Casum possit producere, ubi sit eo modo Iudicatum, ut contra ab altera parte totis viribus contenditur differentiam esse, in specie facti, ab antiquo illo casu, utri verisimilius argumententur, et quæ sit casuum sive circumstantiarum similitudo aut dissimilitudo, Iudicis arbitrio relinquitur; sed cum Iuris nimius (ut aiunt) Rigor, sive illud Ius summum plerisq; sæpe officiat, et multos in captionem deducat, mollitur sive mitigatur Ius illud summum aliquando, ut lapsis et a re sua sive [*sic*] culpa decedentibus subveniatur, et pluribus si fieri possit succurratur. Hanc Curiam conscientiæ vocant, ubi Iuris summi Rigor aliquando emollitur, præpostera, ut pleriq; volunt, clementia, et sæpe ipsi conscientiæ contraria, sed hæc exequi non institui; Iuris Civilis rarus, ut ipsi putant, apud eos, usus, et profecto Licet in omni Literarum Genere, apud Anglos viri reperiantur doctissimi, rari tamen sunt qui Iuri Civili se totos dederunt, contenti in Limine salutasse, cum patria instituta, et mores potius apud eos in usu sunt, hoc municipali Iure Angli uti a Doctis feruntur, cum Scoti civili Gubernentur; sed nunquam sic, Ius civile apud eos in Iudiciis exulavit, quin ejus et rationes et decisiones, quasi Scintillæ quædam in omnibus rebus et controversiis eluceant, quas tamen illi suis hominibus ascribere, quam veteribus Iurisconsultis malunt,

Quintus Locus consuetudinis et similibus decisionib: in Banco Regio. datʒ.

fol. 110.

De Curia Conscientiæ.

utcunq; est magnus Iuris civilis usus, in omnibus controversiis elucescit, adeo ut non difficulter Iuris civilis peritus, maximas Iuris Anglici controversias ex Iuris civilis fontibus, et Iurisconsultorum seu Cæsarum responsis posse terminari, comperiet, ut ex Plaudini et Diarii Casibus sæpius apparebit; Quod ad Ius canonicum sive pontificium attinet, adhuc in multis Locis *fol. 111.* retinetur, Licet pontificis Romani autoritatem Iam ejurarunt; habet autem hoc jus canonicum suum Locum in omnibus Synedriis sive Consistoriis Archi-Episcoporum et Episcorum, et præcipue si de decimis agatur; sive de administratione rerum Ecclesiasticarum aut ipsarum Ecclesiarum; sic in quæstionibus et Controversiis matrimonialibus, nempe in sponsalibus, matrimoniis, dotibus, qui filii sunt Legitimi et similibus; Ex his nemo tam cæcus est, qui non eadem Iuris utriusq; initia, eosdem fontes deniq; et progressus percipit; Licet quanto a fontibus et initiis Longius digredimur, tanto majores dissidiæ inter utrumq; Ius deprehendentur, in quo si quis conciliationem et consonantiam moliatur, ad initia Iuris feudalis et fontes recurrendum est necessario, ut dixi, nempe ad Ius Normannorum, in quorum idiomate, Leges Anglorum a principio et hodie Scribuntur; Licet et ipsum Ius Normannicum, progressu temporis, a suis initiis nempe a fontibus Iuris feudalis in multis hodie immutatum sit; tamen nemo est qui ipsas hodie constitutiones Normannicas percurrere velit, quin manifesta Anglorum Iuris initia et fundamenta in eis deprehendat; extant hæ constitutiones Normannicæ, a viro Doctissimo Gulielmo Terrenio commentariis illustratæ, in quibus vocabula etiam quæ vocant artis, eadem quæ apud Anglos videbit Cartæ nomine Leges apud Normannos et Anglos significantur, ut magna Charta apud Anglos, et apud Normannos, Charta Luddovici Huttein, Charta Philippi Regis pro Legibus ab utroq; principe latis usurpatur, Catallorum nomine, utrinq; omnia bona moventia designantur, et sic Vocabula artis (ut vocant communia) quæ nullam cum Saxonica Lingua habent affinitatem veluti placitare, Disrationari, Essoniare, homagium, fidelitas, hominium Ligium, brevæ [*sic*] de morte antecessoris, Sasina, et infinita alia, illud sane de pace *fol. 112.* Domini Regis fracta tenacissime Angli adhuc Retinent, quod ex Anglo Saxonum Regum Statutis descendit, eoq; Iure Con-

Quis usus Iuris Canonici apud Anglos.

questor, et qui ab eo Discenderunt, suos [*sic*], uti voluit, quod maxime Rationibus fisci conveniret, Quod si vetus Ius Normannorum, non sufficiat, ad ipsum Ius feudale unde Normannorum Ius descenderat ascendendum, ut [*sic*] ex eo quomodo conveniri possit attendendum, ita tamen (ut dixi) si quæ facti species in Iure feudali non deprehendatur, ad jus civile redeundum est, cujus tanta et tam naturalis æquitas apud omnes Gentes hodie elucescit, ut Iuris communis ubiq; et merito Iam nomen sibi vendicet, In Iudicando et Sententiis ferendis et executione rerum Iudicatarum multæ differentiæ intuenti apparebunt; sed quæ consonantiam hanc Legum in utroq; Regno non impediant; nam propter diversas formas actionum, citandi, interloquendi, decernendi, sive sententiam ferendi Ius non semper variatur, cum tamen eisdem nominibus Iudicum sive Iustitiæ administratorum utraq; gens utatur, nam apud utrosq; in Criminalibus magnus Iusticiarius Ius dicit, et criminum omnium Cognitio ad eum tantum pertinet, Admiralius utrinq; in Mari Iurisdictionem exercet, in terra Vice-Comites, Senescalli, Coronatores, et supra hos in Anglia, Bancus Regius; apud nostros senatus, et si qui alii sunt a quorum Longiore deductione abstineo; ne hoc caput in Librum tandem crescat; Itaq; si quid ego Intelligo, non tanta in Legibus inter utrumq; populum, differentia quanta vulgo creditur neq; desperandum ex diverso utriusque Gentis Iure, unum posse constitui, quo uterq; populus in unum Corpus, et quasi Civitatem, possit aliquando coalescere.

fol. 113.

An munerum, dignitatum et immunitatum Communio requiratur in hac Unione.

CAP^T: 7^m.

An autem munerum, officiorum, Dignitatum, Immunitatum debeat inter utrumq; populum esse communio, et eadem privilegia utriq; competere, quod reliqua Capita comprehendit, acrior fortasse controversia est; nam cum non nisi ex dignitate et utilitate utriusq; gentis hæc communio esse possit,

duriores suas partes asserent Angli, si in dignitate et honore Scoti Anglis æquentur, et ut vulgari more Loquar, si denizatio sive naturalizatio ita intercedat, ut utrobiq; eadem sit in Dignitatibus et muneribus Ratio; Nam hic Diomedis et Glauci (dicent) fiet permutatio, cum in Anglia tot pinguia beneficia sunt Ecclesiastica, ampli Ecclesiasticorum reditus, at in Scotia Ecclesiasticorum opes imminutæ, et sic exinanitæ pene sunt, ut ei qui in titulo dignitatis Ecclesiasticæ constitutus sit, unde vivat vix supersit; rursus ægre ferent vicini nostri munera sua publica, quæ ex principis beneficio solent concedi, et cum Dignitate amplissima emolumenta adferant utrisq; ex æquo esse Communia, et parabola decem Virginum objicitur, quarum cum quinq; oleo [1] destitutæ essent, et ab aliis peterent, negatum est illis oleum, et Ratio subjungitur, ne forte non sufficiat nobis et vobis: simili exemplo nuper usus est Fullerus tempore publicorum Comitiorum in tertia, quam vocant, Domo; nam sit divisio duorum fundorum Campestrium, quorum unus herbosus alter sterilis, et pecora pinguia in fundum sterilem transfer, macra vero in herbos7, pingui7 interitus sequeret: et macrorum Incrementum; alii *fol. 114.* etiam improbiores, ut ubiq; multi sunt improbi, ex hac conjunctione nihil aliud sequuturum dicunt nisi ut Anglia pauperrimæ gentis diluvio innundetur, quæ fructus terræ eis præripiat, cum tamen in multitudine populi honorem Regis consistere Dicat sapiens, et in defectu contritionem; at Philippus Macedonum Rex Laudatur, quod bellum cum Romanis suscepturus, urbes aliquot Thracibus vicinis, licet egentissimis habitandas tradiderit; ut sobole virorum eas impleret. Ego quidem hæc dici scio, et invidentium huic saluberrimæ conjunctioni numerum ubiq; esse magnum, qui tamen bonorum majore multitudine prægravatur, nam in Anglia plures longe sunt, qui huic conjunctioni faveant, quam qui factum nollent, ita tamen res se habet ut nisi omnia Discrimina in utraq; Gente tollantur, et utriq; ex æquo aditus ad omnes Dignitates honores et Immunitates pateat, contrahi unionem, commode non possit, æqualitas enim in honoribus et Dignitatibus æqualitatem ad pericula subeunda producit, et qui se excludi

In multitudine populor7 Regis et Regni Gloria.

[1] MS. *ob eo.*

Ratione Gentis aut soli ab officiis et promotionibus videbunt, gravissime indignabuntur, et occasionem rerum novandarum quærunt [*sic*], et si occurrat, amplectentur; quod in Romana crescente Repub: sæpius accidit; quid enim rebus gerendis in tantum obstitit quam plebis et Patrum dissentio? cum Patres sive patricii consulatum et omnes honores sibi Reservarent, plebem quasi contaminatam et indignam ab eis arcerent, contemni se, et indignos reputari qui in eadem insula vivunt Scoti putabant [*sic*], nisi idem aditus ad honores et dignitates utrisq; pateat, et si forte ad manus cum communi hoste ventum fuerit, Iubebunt eos qui in honoribus et dignitatibus potiores erant, etiam in acie priores pugnam in se recipere; nostri etsi pares opibus non sint, nulli tamen nisi Domino suo obnoxios vivere se vere profitebuntur; et Regi cujus is
fol. 115. honos et prærogativa est ut honores et Magistratus distribuat injuria fiet si honores et dignitates militares pro virtute tribuere prohibeatur; inter Romanos et Latinos acerrime bellum ortum quod Latinos Romani ad consulatus dignitatem non admittebant, prætendebant Latini, sub umbra amicitiæ et unionis servitutem induci; societas enim ut dicebant esse [*sic*] æquatio Iuris et Vires Anglorum, tanti Regni accessione, pene duplicatæ sunt, cur non itaq; omnia æquabuntur: cur alteri [1] in dignitatibus et cum Imperio alteri [1] pene in servitio erint, si unum Imperium Una Repub: in posterum proponatur, non est viro forti vel probo præcidenda spes honorum et dignitatum quæ ad virtutem solet homines incitare nec unquam fastiditi sunt in quibus virtus enituit—Immo ipsa Roma nunquam inimica fuit peregrinæ virtuti, Numam Tarquinium et Servium peregrinos in Regna ascivit, hæc et his similia multa Latini ad Romanos, fieri, ne [*sic*] ergo potest ut Scotus Doctus sit nam nisi Doctis et probis Ecclesiastica beneficia non solent mandari, an Domi et militiæ non idoneus [*sic*], et quanquam Cordatissimus a consilio publico rejiceretur, Claudius Caesar cum de Gallis in Senatum asciscendis deliberaretur; certe, ait ille, moribus, artibus, affinitatibus nostris Galli misti, aurum et opes potius inferent, quam separati habeant: hæc Tacitus, Quid de
Lib: Añal: 12. Scotorum fide et virtute senserit Carolus 7[us] Galliarum Rex

[1] In MS. corrected to *alii*.

manifestum est cum Ioannem Buchaniæ Comitem apud Scotos, Magistrum equitum sive Comitem stabuli Regii (quæ in Gallia proxima est a Rege Dignitas) creavit; eo quod in acie Ducem Clarentiæ fusis ejus copiis interfecisset; et Duglassium, quod forti et fideli ejus opera adversus Anglos usus esset, in Ducem Turonensium virtutis militaris ergo, promoverit: et Obeguinus a Carolo 8 postquam Neapolum cepisset ad eam defendendam cum exercitu cujus Dux constitutus est, tanquam prorex præpositus, cum tremulus Gallus et ex Regio Sanguine Urbi *fol. 116.* præfectus tantum sit; et postea Dux Albanus, qui Iacobi 5 tutelam gessit, cum Iusto exercitu ad recuperandum Neapolitanum Regnum missus, ex castris Ticinensibus quod, ut Paradinus meminit, exercitum Gallicum valde Imminuit, et Burbonio, ut vinci possit faciliorem præbuit. Immo semper ala Equitum Scotorum Duce nobili aliquo ex Scotia in honore apud Gallos fuit, et Custodia Regii Corporis eis Credita; quid de Montogomerio Dicam, qui semper sex millibus Gallorum præfuit; qui virtutis seu furoris Causa, sex millia Diabolorum tempore Francisci primi Regis ffrancorum Dicti, et multæ illustres familiæ fortasse supra mille ex Scotis in Gallia hodie discenderunt, Licet malint hodie Galli quam Scoti Dici; beneficia autem Ecclesiastica in Gallia non minus Scotis semper patebant, quam Gallis, sic Miropensis [*sic*] Episcopatus, Abbatia de Chinon, et pleraq; alia a Scotis possessa, ut hac nostra ætate vidimus; proinde merito indignos se habitos Scoti putabunt, si quid [*sic*] apud Gallos eis Licuit et adhuc Licet, cum jam Anglorum causa divortium sit cum Gallis faciendum, apud Anglos non Liceat, Immo in ipsa Anglia Scoti beneficiis Ecclesiasticis Antiquitus potiti sunt, quinq; Episcopi Lindifarnensis Ecclesiæ, quæ nunc Dunelmensis dicitur, succedentes sibi invicem Scoti erant, tres Eboracensis sedis, totidem Lichfieldensis, et in Anglia nihil fere in quinto a Servatore Nato seculo; in Relligione factum, nisi autore aliquo Scoto, ut ex eo [*sic*] Columbani Discipulis, donec fulminibus sedis Romanæ ab omnibus Ecclesiasticis Dignitatibus in Anglia prohibiti; quod cum Latina Ecclesia in Solennitate Paschatis non consentirent; ut postea dicemus; Si ergo in Gallia hæc privilegia, hæc naturalizatio amittenda est, ut necesse est, si quando bellum inter Reges incidat, nec in Anglia paribus privilegiis et

immunitatibus Locus pateat, durissima erit Scotorum conditio, quibus et hinc et inde carendum erit, tot et tantis virtutis præmiis, et quasi contacti scelere a sacris et publicis Muneribus arcebuntur, Præterea si ea inter nos procedat unio, quæ inter concives et municipes esse solet, omnia munera debent esse communia[a]: Municipes enim sunt, qui pariter munera publica suscipiunt,[b] nec ulli aditus ad dignitates et honores præcludendus, cum ad onera publica sustinenda non minus teneamur; sed in omnibus pro modo facultatum, eadem subire parati, profecto et ad Dignitates et honores pariter admittendi[c]; Iustitia enim quæ vinculum omnis Societatis unicum est, semper æqualitatem requirit,[d] Itaq, Polibius,[e] ut antea memini, cum incrementi Acheorum causas reddit unus inquit apud illos Gubernandæ Reipub: mos, una ratio, per quam servata inter suos æqualitate opus hoc pulcherrimum perfecerunt; et paulo ante cum causam redderet, cur cæteri Peleponesii, non solum in Rempub: Acheorum, sed etiam in nomen transierunt, Est ea quidem, ut mea fert opinio, æqualitas et omnium par Licentia, quæ inter omnes servabatur, et veræ Reipub: est exemplar, ut omnes ex æquo et pro census quantitate, muneribus publicis subjiciantur: nec ab eis vacationem quis poterit prætendere, et æque honorum et dignitatum sunt participes, quanquam in eis qui secundum virtutis præcepta vivunt, nulli hæc publica munera hæ Dignitates questui, aut lucro esse debeant, prout Antiquitus potius onera Reipub: erant, quam ad opes et dignitates gradus: Sed eo se nostri vicini tutabuntur, Licet hæc vera quidem essent, nec diversitatem in tanto opere expedire, fieri tamen non posse ut in momento hæc perficiantur, temporis esse beneficium, id ut manifestum facerent, omnes natos ab eo tempore, quo Rex ad Diadema Vocabatur per mortem Reginæ Elizabethæ ejusdem cum Anglis Iuris quoad omnes dignitates, honores et munera publica esse declararunt, sed eos qui ante illud tempus nati essent, omnibus privilegiis æque gaudere voluerunt, ac si Angli nati essent nisi in tribus, nempe in Iudicandi muneribus, officiis Regalibus, quæ Coronæ dicuntur, et in suffragiis Comitiorum publicorum Regni, ea enim talia esse munera, quæ Donec hæc Unio, altiores radices egerit, et animi utrinq, solidius coaluerint (quod temporis solius est beneficium)

fol. 117. *fol. 118.*

Exceptiones tres in hac Unione.

[a] L: 1: ad municip:
[b] L: 2· ad municip. ff:
[c] L: secundum naturam. de Reg: Iuris. L: manifestissimi §: sed cf. in 2: C: de furt.
[d] L: Iustitia de Iustitia et jure.
[e] Lib: 2.

adhuc commode concedi non poterat; at cum Nostri in sua opinione fixi permanerent, et aut æqualitatem in omnibus, aut nullam Unionem futuram dicerent, sic se a suis in mandatis habere, et nox sera interposita, Disputationem dirimisset [*sic*], neqꝫ spes esset coituram hanc Unionem, Rex qua est sapientia, ita rem totam temporavit, ut cum Magistratuum Dispositio ad Regiam prærogativam ex Iure pertineret, ejus Libero arbitrio officiorum horum Distributio reservaretur, contenti ejus promisso, se neminem natum ante suum adventum in Regnum ad officium aliquod promoturum, quod vel Iudicandi vel suffragii ferendi munera includeret, cætera omnia munera utrisqꝫ essent ex æquo Communia, Itaqꝫ post Longam de hac conditione recipienda, ne [*sic*] esset vel refutanda, contraversiam, tandem serenissimi principis Consilium e re utriusqꝫ Gentis visum est, saltem ut ad publica utriusqꝫ Regni Comitia tota res differatur, at in privatis sermonibus, cum hæc quæstio incidisset, aliquando erant ex Anglis qui multa nobis indulta dicerent, alii prudentiores nihil novum concessum, sed quod Iure Anglorum antea Licitum erat, cum Scoti pro Aligenis [*sic*] Iure Anglorum non haberentur; quod si qui sint, qui ex statutis parliamentorum, Scotos ab immunitatibus et privilegiis eisdem fruendis, quibus Angli utuntur, prohiberi et interdici putent, velim quo statuto, quibus Comitiis factum sit demonstrent, aut si quod sit, nunc in eum Casum res devenit, a quo incipere non potuit, ut aiunt Iurisconsulti, tum enim hostes, nunc sub eodem domino Convassalli sumus, quorum uni Licere non debet, quod alteri non Licet, et nihil est in re, quod Scoti petunt, nisi ut subditorum numero habeantur, an si caveatur ne Scotus Anglo vicinus habitat [*sic*], aut in itinere occurrat, aut eadem communi mensa fruatur, hæc ne concordiæ conciliandæ, an inimicitiis erunt aptiora, sed quid Rogo si Scoti admittuntur promiscue, ad honores et Dignitates in Anglia (modo tales sint qui admitti debeant) Angliæ decedet, nam facultates quæ ex eis dignitatibus, aut muneribus proveniant, omnes in Anglia consumentur, cum qui muneribus in Anglia fruuntur, in ea etiam remanere teneantur; Itaqꝫ si æternam concordiam Angli velint, velle autem debent, una et eadem spes, unus et idem aditus ad Honores et virtutis præmia Doctis, et bene meritis de Repub:

An unquam Scoti pro Alienigenis aut extraneis habiti.

fol. 119.

utriq; Genti aperiendus, alioqui vix animorum reconciliatio sequetur, quam hoc tempore quærimus.

Denique et ipsa naturalis ratio, et Iura ut dixi omnia volunt, ut qui periculorum sunt consortes et præmiorum sint participes, si una Salus unum et Commune periculum utriq; Genti postea futurum sit, cur non eadem in pari causa præmia, aut cur posteriore in pace loco erunt, qui idem in acie subituri sunt periculum, nihil ait Iurisconsultus, tam naturali Rationi convenit, ut quem sequuntur pericula, quin eundem sequantur et commoda, et ut participes sint Lucri qui periculi fuerant, patientius et æquiori animo Nostrates ferent, ad nullos honores, nulla munera publica admitti (quod tamen semper in arbitrio principis est) quam si edicto et statuto quasi Indigni excludantur, si pacis et militiæ præmiis, si virtutis honoribus eis legelata interdicatur.

L: Secundum naturam ff. de Reg. Iuris L: manifestiss: § sed cum ut 2. de furt.

Urgent præterea nostri Edictum illud Edvardi 6ti, in quo Angli expresse declararunt, malle se Scotos habere fratres, quam inimicos, concives potius quam subjugatos, promittentes Communem Libertatem animorum et æqualitatem in omnibus, Ratio subjungitur, cum in una insula nati, naturaliter inter se conjuncti et uniti, moribus forma et Lingua et omnibus conditionibus, aut iidem aut simillimi, et cum victores maximo prælio essent offerebant tamen ultra [*sic*] amicitiam, fortunarum æqualitatem in omnibus; et cum Scotiæ magnam partem cum præsidiis tenerent, Angliam tamen suam communicandam Scotis promittebant, et omnium Statutorum abolitionem, quibus mutua commercia et Connubia prohibebantur, et ut vere se Cupere amorem et benevolentiam Scotorum, et perpetuam concordiam, Unionem et in omnibus æqualitatem, manifestum esset, omnibus Scotis ad Anglorum amicitiam Confugientibus, liberos aditus et exitus in omnibus portibus Angliæ promittunt, ut ire, exire, invehere, et evehere bona, et cum Anglis commercia exercere, tam libere et sub eorundem portoriorum exactione possunt, ac si Regis subditi essent; plura etiam si requirantur præstituri, sed nec benedicta nec tum bene scripta Implacabilem Ecclesiasticorum ordinem et animos mollire poterant, ut in unum cum Anglo Licet optimo inter homines natos principe consentirent; et proinde quasi omnium præteritorum malorum authores debitas pænas

fol. 120.

luerunt, exuti prope omnibus bonis, et Latifundiis, quæ maxima tum in Scotia habebant, adeo ut qui tertiam Regni partem antea tenere videbantur, hodie in ordinem redacti, unde præteritum fastum alant non habent, Licet ad honeste et christiane vivendum nihil adhuc eis desit, Indignos se nostri putabunt majorum suorum Loco et Gloria, si quod illis etiam bello inferioribus offerabatur [*sic*], id sibi in meliore Conditione Constitutis, denegetur; et inter extraneos habeantur, Immo ne extraneos [*sic*] omnino honoribus et muneribus publicis interdictum Legimus. Simoni a Montiforti, quanquam in Gallia nato, is honos habitus, ut et Comes Lecestriæ crearetur multisq̃ publicis muneribus clarus, primas etiam in publico *fol. 121.* Regni consilio partes teneret, Idem Roberto Atrebatium Comiti contigit, qui Gallus et Galliæ Regis cognatus et subditus, cum ab eo ad Anglum transfugisset, in multis Expeditionibus Anglorum Copiis præfectus est, Ut contra Comitem Blesensem, qui cum Ioanne Duce Armoriæ Britanniæ de principatu Britanniæ armis contendebat, et in oppugnatione Fani Audemari et in pugna ibi contracta præfuit[a]; sic et Gothofredus Comitis Haricuriæ frater, cum et is ad Anglum in eo bello transfugisset capto Cadano electæ Levis armatura [*sic*] manui præfectus est,[b] et quod majus est imictus [*sic*] a Rege, filio Edwardo principi Walliæ, qui ejus consilia moderetur, cum Walliæ Princeps primæ aciei in nobili illa pugna Cresciaca præfectus esset; nec per ætatem tanto periculo par esset, ut ejus nomine Gothofredus vir factis clarissimus, omnia temperaret, quod si Ioanni Serrano credimus, etiam Comes Stabuli Regii In Anglia, virtutis nomine, prius creatus est, et Caleti ab Edwardo Capti custodia Almerico homini Italo et cui Papiensi [*sic*] credita est; et Namurci Comes qui ab Edwardo 3°/ stipendio conductus erat, ut eum in Scotiæ conquestu armis suis Iuvaret, ab Edwardo 3°/ præfectus est, quibusdam Copiis cum quibus in Scotiam tendens a Scotis omnibus pene suis cesis captus est, ut Holinschedius testatur; unde et extraneorum etiam transfugarum virtuti sæpe apud Anglos Locus erat, et si nostrorum opera aliquando in bello usi fuissent, aliquod certe nomen et Decus sibi non minus quam in Gallia nostri peperissent.

[a] Io. Serranus in Philippo Valesio, et Poly. Virgilius in Edwardo 3°

[b] Polyd. *ibid*:

De portoriis et exactionib:

Venio ad exactiones et portoriorum immunitates, hæ nullius

alterius damno cedunt quam principis et Regis, qui quibus indulgere vult, an non libere potest? quærit Dominus a Petro Reges terræ tributumne [*sic*] petunt a Liberis suis, an ab extraneis, Respondit Petrus, Liberi ergo sunt immunes ait Dominus, Id quod uni princeps cum voluerit poterit indulgere

fol. 122.

toti Genti, publice Concordiæ et salutis causa non potest, quæ pro ejus salute, dignitate et Imperio ad quæcunq̧ gravissima subeunda parata est, et vitam etiam projicere; an bona Scotorum tanquam alienigenarum, si prædiis in Anglia successerint, aut alio Iusto titulo emptionis, aut permutationis comparaverint, aut ibi sive testati, sive intestati moriantur, tanquam caduca fisco adjudicabuntur, nunquam Committet sapientissimūs princeps ut Scoti quibus originem debet, apud se pro alienigenis habeantur, aut exactionibus iniquioribus, quam Angli graventur, aut prædiis, quæ vel Iure Matrimonii vel alio Iusto titulo acquisiverint, Deturbentur; Immo si Iure summo agatur, vere mihi videor affirmare, his tribus aut quatuor seculis maximam injuriam a vicinis nostris nobis illatam, quod nos pro extraneis habuerint, et ad denizationem (si Iure civium Anglorum uti velimus) compulerint, nullum

Nullo jure nullo statuto Anglorꝫ Scoti pro Alienigenis annumerari.

Ius nullum statutum, apud Anglos habetur, quod Scotos a rerum legitime in Anglia Comparatarum possessione aut titulo excludit, nam si ullum fuit, illud Evardi [*sic*] 3ii Statutum est, quod nec ab omnibus tum receptum (ut in textu continetur) aut si receptum dicatur, ad eos tantum extraneos extenditur, qui ultra mare nati sunt, non ad eos, qui ejusdem parentis Britanniæ Liberi sunt, ut ex ipso textu manifestum est; quod si Ius feudale prætendant, quo unius principis Vassallus ligius, alterius esse non possit, illud pro Scotis facit, quam maxime; nam si sint illius principis in cujus ditione quicquam acquiritur, Vassalli Ligii communib: cum aliis Vassallis Ligiis beneficiis frui debent, quod ex ratione Legis elucet; nam vassallus unius principis, si in alterius principis feudum seu beneficium succedat, duobus Dominis erit obligatus, Duobus

fol. 123.

Ratio cur Extraneus in alterius principis Territorio feud7 acquirere non potest.

Sacramentum fidelitatis præstabit, pro utriusq̧ Domini salute, se omnibus periculis objiciet, utriusq̧ Secreta celare tenebitur et si quid in perniciem alterutrius factum sit, aut excogitatum recludere; in hoc ex Iure feudali tenetur, at si inter hos duos inimicitiæ inciderint, cui quod suum est Vassallus hic

tribuet (nam in solidum utriq; tenetur et Iuravit, et Iuramentum in Iure est individuum) itaq; cum id fieri non possit, neq; enim ut ait Dominus unus Duobus Dominis servire potest, quin alterum Diligat alterum odio habeat; ideo cavetur in Iure feudali, quod in toto orbe Christiano receptum est, ne unus et idem sit diversorum principum Vassallus Ligius, et si alterum Dominorum præposuerit postpositum [*sic*] recte ei feudum suum quod de eo tenet aufert; ne feudo illo aut ejus facultatibus contra verum Dominum uti possit, et ne feudum materia belli et adjumentum contra ipsum Dominum sit; hæc est ratio quare extranei feudo in alterius principis Ditione gaudere non possunt: ne illius feudi commoditates materiam et alimenta belli præbeant, at hoc in Scotis hodie non habet Locum, neq; habiturum postea speramus, cum in unius Domini et principis ditionem cum Anglis coierint: nec verendum sit, ut ejus consilia extero principi Discludant, aut ei sint auxilio, aut opes sui feudi contra verum suum Dominum, de quo tenent, profundant, sed unanimes cum ipsis Anglis in unius Ligii Domini servitia obsequia et fidelitatem concurrent: hæc itaq; ratio ex Iure deducitur, cur extranei in aliena Ditione bona non moventia nequeant acquirere, ne eis in Domini sui præjudicium abutantur, sed cessante causa statuti aut Iuris, Ipsos effectus cessare manifesti Iuris est.

Quod si etiam ex summo Iure agatur certum est apud Anglos in omni Iuris decisione primum Locum deberi statutis, quæ expresse de quaq; re facta sunt, neq; consuetudinem Contra Ius scriptum Locum habere at expresse veteribus statutis fol. 124
Anglorum Cavetur ut Scoti eodem Iure in Anglia cohabitent quo Angli (i.e.) ut inter cives Anglos sunt [*sic*] et habeantur, cujus Statuti erat hæc occasio. Edwardus qui in Divorum numerum relatus est, ultimus sane Anglo-Saxonum Rex (nisi quis Heraldum inter Reges numeret) princeps sane prudentissimus, Leges Anglorum unico volumine descripsit, eoq; Iure Angli ante Conquestum usi tantum sunt, Legesq; eas ob excellentiam, bonas tantum dixerant sive boni Edwardi Leges: has pene omnes suo adventu in Angliam sustulit Conquestor, novasq; et Normannicas, sive Gallicas pro eis substituit, summa cum populi indignatione, et vulgi fremitu, adeo ut sæpissimæ occasiones seditionum inde sunt [*sic*] ortæ cum populus bonas

Statutum D: Edwardi postremi Anglo Saxonum Regis, de Scotis in numerum Concivium inter Anglos recipiendis.

Edwardi Leges sibi restitui urgeret; Conquestor eas tanquam æquiores populo, quam fisco suo nullo modo admittebat, coactus tamen est Conquestor Solenni Sacramento, apud Sanctum Albanum promittere, se veteres Anglorum Leges revocaturum [*sic*], et præcipue Sancti Edwardi, nulloq; alio Iure usurum, cum illud esset æquissimum et secundum eos Iudices a se dandos Iusticiam in posterum administraturos; renovatum est illud Iuramentum a Rufo et Henrico ejus filiis, et Stephano cum Reges Angliæ inaugurarentur, et a plerisq; aliis postea, adeo ut quoties populo et plebi blandiri aut eos argento emungere Reges vellent, hoc in primis pollicebantur, se Antiquato omni alio Iure, Leges Edwardi renovaturos, eoq; solo Iure usuros, Licet ut ait Holinschedius, nunquam id in animo cogitarent, Inter has Edwardi Leges una est, quo ob priora contra Danos merito [*sic*] Scotos a numero alibigenitorum eximit, et eodem Iure civium, cum reliquis Anglis frui concessit, Verba Legis habentur in Libro cui titulus est *αρχαιονομια* sive De priscis Anglorum Legibus, Londini typis Ioannis Daii excuso, anno Salutis millesimo quingentesimo sexagesimo sexto Gulielmo Lamberto viro eruditissimo cujus nomen apud Anglos adhuc celebre est ex Saxonica Lingua in Latinam interprete, cujus etiam in sua historia meminit Holinschedius et primo titulus illius statuti expendendus est, qui sic habet de iis qui possunt et debent de Iure cohabitare, et remanere in Regno Angliæ; in Anglia cohabitare nihil aliud est, quam eodem Iure cum Anglis habitantibus conseri [*sic*], nam alioqui si de simplici habitatione sensisset, ut Scoti possunt habitare et manere in Britannia, illud nulli statuto vel beneficio Edwardi debebant, cum suo Iure et tanquam tempore priores in Regno Britanniæ Iamdiu habitarent; sed Britanniæ nomen ut sæpe pro ea parte Britanniæ, quæ provincia Romanorum fuerat, illic sumitur, ut ex multis scriptoribus et præcipue Beda constat, et in ipso textu aperte sequitur, itaq; titulus ille est (de iis qui in Anglia possunt habitare, et eodem Iure censeri) ut textus ipse manifeste prodit. Primo ait textus, Britones Armorici suscipi debent, tanquam boni cives, notanda est vox (cives) et ratio subsequens nam de corpore hujus Regni prodierunt sic et Guitæ. hi una ex tribus Gentibus fuerant, quæ Angliam cum Saxonibus

Scoti antiquo Angliæ reg: statuto iisdem privilegiis, quib: Angli uti permissi virtutis ergo.

fol. 125.

occupaverunt, et proinde potuit ex Guitis Anglos exiisse, dicere rationem textus subjungit. Ita enim constituit Inas Anglorum simul et Britonum in Insula manentium Rex, et quia Inas Rex conjugem nomine Cambram habuit, unde Cambriam postea Walliam Dictam vult, statuit ut Britones sive Walli eodem privilegio fruerentur; ex hoc ex consilio sapientum seniorum et populorum Regni sequitur in textu multi vero Angli sumpserunt uxores de sanguine et Genere Scotorum, proceres vero Scotorum et Scoti fere omnes ceperunt uxores suos de optimo Genere et sanguine, Anglorum, Germaniæ, fol. 12b.
et ita fuerunt tunc temporis universum Regnum Britanniæ Duo in carne una, et taliter constitit rectum conjugium (et delevit fornicationem et Immunditiam in Regno) et recta Iudicia pro stabilitate Regni et confirmatione populorum benigna sedulitate facta, et tali modo effecti, genus [*sic*] una et populus unus per universum Regnum Britanniæ, miseratione Divina, deinde universi vocarunt Regnum Anglorum, quod ante vocatum fuit Regnum Britanniæ, universi vero prædicti, semper postea pro communi utilitate Coronæ in simul et in unum viriliter contra Danos et Norvegenses steterunt, et atrocissime unanimi voluntate contra Regni inimicos pugnaverunt, et bella atrocissima in Regno gesserunt, quod neq; de armoricis Britannis, neq; de Wallis neq; de Guitis, sed solis Scotis intelligendum, sequitur in textu, nam erat Rex prædictus Inas optimus etc., Rexitq; et Regnum confœderavit, consolidavit et in unum pacificavit, sapientia et prudentia magnâ. Hæc sunt illius statuti verba, nec mirum de Wallis, nam Licet plerisq; videantur non excipiendi, cum pars coronæ Angliæ sit Wallia, tamen eo tempore, nimirum Edwardi Confessoris, Imperium Anglorum non agnoscebant, sed perpetuis bellis vexabant, ut minus mirum sit Scotis illud privilegium ob frequentes occasiones indultum. Ex verbis hujus textus multa, quæ pro nobis sine dubio faciunt annotanda sunt, primum quod Armorici Britanni ex corpore hujus Regni prodierunt, ideo cives haberi et privilegio civium frui debent, eadem ratione quia Scoti proceres et ferme omnes conjuges ex Anglis ceperunt, et ipsi rursus ex Scotis, et hinc facti sunt duo, in carne una, quod nihil aliud est quam mutuis affinitatibus Scoti conjuncti, Licet prius nomine discreti iisdem fol. 13.

privilegiis cum Anglis postea uti frui Debent, et sic erat mutuum inter eos vinculum et conjugium quale inter Albanos seu potius Sabinos et Romanos, aut quale inter Romanos et Latinos, aut si Domesticæ placent, in principio Regni utriusq., inter Scotos et Pictos, et quid poterant Reges Anglorum minus facere discendentibus ex suo sanguine, et cum eis et pro eis militantibus contra infensissimos hostes Danos et Norvegos, nisi civium suorum et nomen et privilegium indulgere, sequitur in contextu (et fornicationem et invidentiam sustulerunt) quæ verba nemo intelliget de vulgari fornicatione, sed Gentis cum gente fornicationem seu dissidia et contentiones sustulit, et recta Iudicia pro stabilitate Regni introduxit, ut si quæ de Regno Contraversia postea orietur pro una gente reputentur, nam sequitur et hoc modo facti sunt Gens una et populus unus miseratione divina per universum Regnum Britanniæ, quasi diceret omnes Gentes habitantes in tota insula ita favente Deo uno fœdere in unam Gentem, coaluisse, ut tanquam una gens et populus unus reputari debeant, nec in posterum diverso Iure alieni a jure civium Anglorum censeri. Quod si ea Ratio tum sufficiebat ut Scoti privilegiis Anglorum donarentur, quod ex Anglis discendissent, profecto ea Ratio multo magis (ut aiunt Iurisconsulti) militabit in hoc præsenti statu, cum tot nobilissimæ familiæ Scotorum ex Anglorum sanguine discenderunt, ut postea Declarabimus, additur adhuc alia Clausula, cur Scoti eodem Iure et tanquam cives censeri debeant nempe ob bene merita pro utilitate Coronæ Angliæ (quia unanimi consensu et viriliter contra Danos et Norvegos atrocissime pugnaverunt) apparet plane ex eo statuto, qui Scoti cum Anglis contra Danos pietatis et Relligionis tum hostes communibus armis militassent confectis bellis Ius civium
fol. 12b. Anglorum consequutos Immo potius totius Britanniæ Ius commune omnibus factum sit, Veteres Romani et ante eos Athenienses Iura Civitatum bene meritis de se populis et principibus tribuebant Sic inter hos populos Anglos Scotos et Wallos societatem armorum et perpetuum fœdus contractum videntur innuere, ea verba (et facti sunt una Gens unus populus in tota Britannia) ut si forte ulla harum Gentium bello externo pulsaretur, omnes tres tanquam Gens una et unus populus ad alterius salutem et hostile bellum tanquam

ad communis patriæ incendium restinguendum concurrerent, perpetuo et Sempiterno fœdere. Quod si hoc tum erat a rege optimo cum consensu totius sui populi et Sapientum sive seniorum Regni constitutum, quæ (malum) hæc protervia nos a beneficio civilis societatis quod sanguine nostro peperimus, excludi, et alienos ab eo Iure censeri, quod ut staret utq corona esset et permaneret nostra opera (quantulacunq hodie creditur) effectum: nam hoc mihi vere asserere posse videor, in omnibus cum Dano præliis Scotos Anglis fortem et fidelem operam præstitisse; et sæpe præmiis sollicitatos, nunquam tamen cum adversariis pactos fidem fefellisse, neq unquam Scotum contra Anglos stetisse Leget, dum stabat Anglo Saxonum Regnum, ut clare hoc loco testatum Divus Edwardus et ante eum Rex Inas, omnesq Regni proceres, reliquerunt; Immo a cervicibus Anglorum bella in se transtulerunt; Dani enim cum Scoti propiores essent, nec ullo modo a societate Anglorum distrahi possent, qui semper Invadentibus Angliam a tergo imminuerent, arma in ipsos Scotos verterunt, ducentosq annos dubio eventu inter eos sæpe pugnatum, cæsi ex nostris in acie Duo Reges Constantinus et Indulfus et supra centum hominum millia, cum tamen quietis pace frui licuisset si Liberum per Scotiam in Angliam iter permitterent, aut ab Anglorum Societate se dirimi paterentur; et Cum Canutus *fol. 129.* rerum in Anglia potiretur nos interea bella ex bellis modo Danorum modo Norvegorum Anglorum causa sustinuimus, nec unquam a vexanda Anglia Dani et Norvegi destiterunt, donec a Scotis prius victi, et Scotia pulsi, se nunquam armatos redituros in eam Iurassent. Et conferant, vicini nostri si velint, tempora, invenient cum pacifice in Anglia regnaret Canutus, atrocissime inter ejus fratrem et ejus Legatos tandem et contra Suenonem Norvegum a nostris pugnatum ter aut quater omnibus copiis ita ut primo prælio victus cum ingenti cæde, Malcolmus Rex, reparatis mox viribus, periculosissima belli alea, duobus victor præliis extitit pro his in Rempublicam Anglicanam meritus [*sic*], non solum Cumbria, Westmaria et Northumbria donati sumus, sed etiam statutum ut eodem jure et ordine haberemur cum Anglis, nec hoc novum aliquos ob benemerita in alienam Rempub: Civitatibus donari, ut antea diversis exemplis commonstravi, aut si

recentiora magis placent, Scoti eadem virtute et propter paria merita, jura civium ffrancorum reciperunt [*sic*]. Edwardus 3[us] publico edicto omnibus armoricis Britannis jura Civitatis in Anglia communicavit (i.e.) Cives Angliæ effecit, ut eodem jure cum iis uterentur. Sic Ludovico undecimo jura suæ Civitatis Helvetiæ dederunt, et Helvetii jure Civium ffranciæ censentur, sed objicient qui minus nobis æqui sunt, antiquas Anglorum Leges sublatas a Conquestore, qui suas et novas Angliæ intulit, iisq; Regnum administrari voluit reliquas antiquavit, Respondeo, nulla res inter Regem et populum

fol. 130. Angliæ magis contraversa fuit, quam de Antiquis Legibus Regni, nam ut hæ restituerentur nunquam Reges induci potuerunt, Licet in Leges Edwardi Iurassent, Conquestor, uterq; ejus filius Stephanus, Henricus 2[dg]/ Richardus, Iohannes Henricus 3 et Edwardus Primus, ejus filius, itaq; Edwardi leges et Statuta, et præcipue ea, quæ nostra habent privilegia in suo robore permanere asserimus; sed aliud est, quod pro nobis magis faciat, ipse Conquestor hanc legem manifeste confirmavit, ut tam ex Titulo sive Epigraphe Statuti, quam ipso textu apparet, Titulus est, Leges boni Regis Edvardi, quas Gulielmus bastardus postea confirmavit, et in principio statuti verba hæc sunt. 'Post acquisitionem Angliæ præfatus Rex Angliæ Gulielmus anno quarto Regni sui et de consilio Barronum suorum fecit summoneri per universos Angliæ Consulatus (quos vicecomitatus hodie dicimus) Anglos Nobiles et sapientes, ut eorum Leges Iura et consuetudines audiret; venientes igitur de singulis Comitatibus patriæ Viri duodecem juramento, primum coram Rege confirmaverunt, ut quo ad possunt, recto tramite incedentes, nec ad dextram nec ad sinistram divertentes, Legum suarum et consuetudinum Scita patefacerent, nihil addentes, nihil prævaricando mutantes,' nam cum (ut dixi) assidue sollicitaretur idem Rex ut leges antiquas renovaret, et quæ eæ essent scire cuperet, duodecem hos ex Angliæ Singulis provinciis curavit evocari, et ex eorum relatione Iuramento interveniente Leges selegit, quas confirmaret, et inter eas hanc ipsam quam premiseram de Scotis pro civibus Angliæ perpetuo censendis.

Conquestor confirmavit statutum Edwardi Regis, quo Scoti in Anglia pro civibus haberentz.

Scoti ex sententia Tribunalis Regii pro Civib₉ et in Anglia natis habiti.

In Iure consuetudinario Angliæ hoc præcipue observandum,

si consuetudo hæc contradicto Iudicio semel fuerit firmata, hoc est si dum ei in judicio contradiceretur, Iudex tamen pro consuetudine sententiam tulit, quod si ita est, Scotos pro Civibus Angliæ reputari certum est, exemplum ex ipso foro Angliæ et ejus usu in hoc nostro casu producam, ubi in foro *fol. 131.*
contradictorio a Iudice pro Tribunali sedente, Scotus pro cive Anglo, et Scotica Lingua pro communi Anglorum Lingua confirmata est; species facti hæc fuit, Scotus quidem in banco Regis accusatus de raptu virginis septennis et non ultra, reus in judicio productus patebat [*sic*], jus extraneis indulgeri solitum, sibi concedi, nempe dimidietatem ut aiunt Linguæ, quod nihil aliud est nisi dimidium inquisitionis, ex sua Lingua, habent enim Angli hanc consuetudinem nō malam, ut cum extraneus accusatur, dimidia pars assisæ sive inquisitionis ex extraneis, sive ejusdem patriæ, cum reo civibus solet eligi, id cum sibi Scotus deberi diceret, quod extraneus esset, nempe Scotus, et in Scotia genitus, Consulti utriusq; banci Iudices responderunt, rejiciendam esse Scoti postulationem, Ratio subjicitur, quia Scotus nunquam pro alibigenito aut extraneo habitus in Regno Angliæ sit, sed pro Anglo, neq; Scotorum linguam extraneam dici posse, sed meram esse Anglicam, et sic Scotus pro cive per assisam Anglorum Iudicatus est; unde Scotum non esse extraneum in Regno Angliæ consuetudo Manifesto, Iudicio contradicto, firmata, obtinuit, et hoc ex Iudicum utriusq; banci Iudicio, cum ad eos quæstio deliberanda remissa fuisset; ut in Libro Casuum Iacobi Dyeri in termino Michaelis annis 13 et 14 Regni Augustissimæ Reginæ Elizabethæ constat. sane cum equitate naturali non convenit, ut cum de commodis nostrorum hominum agitur, pro Extraneis, habeantur, si vero in judicium velut Rei ducantur, inter civos numerantur [*sic*], at Iuris consultus naturaliter docet, eum deberi sequi com̄odum, quem sequitꝫ incom̄odum; sane hæc quæstio, utrum Scotia esset in Regno Angliæ et intra quatuor ut aiunt Maria acriter exagitata est, inter Iohannem Stovell et Georgium Zouth Dominum Zouth in termino Michaelis *fol. 132.*
anno Quarto et quinto ejusdem Reginæ Elizabethæ ut refert Plaudinus, in suis Commentariis, nempe utrum qui in Scotia est extra Angliam dici possit, rationesq; utrinq; deductæ, licet ex eis non fuit Iudicatum, et Ranulphus de Glanvilla, cum de

essoniis tractat, aliud esse essonium vult, eorum, qui ultra mare sunt, et eorum qui inter quatuor maria adhuc manent, nempe ut illis quadraginta dierum spacium in citatione indulgeatur, his nisi quatenus Iudicis Relligio existimaverit, itaq, planum est ex Iure Angliæ consuetudinario (quod nos practicam vocamus) et perpetuo observatum, ne Scotia inter extraneas provincias numeretur; nec Scotus inter exteros prout antea monui ex Edvardi penultimi Anglo-Saxonum Regis Legibus, ab ipso Conquestore confirmatis. Itaq, Iure suo nostri hæc a principe postulare possunt tanquam Regis Edvardi et ipsius Conquestoris hærede et successore ut Iuratam immunitatem et jus civium in sua Anglia Scotis servet, eosq, omnes tam ante Coronæ Regiæ in eam devolutionem natos quam postea pro civibus Angliæ habeat et teneat.

Alia Ratio cur Scoti pro Anglis habendi.

Quod si pro clarissimo Domino Kinlossio in postremis his Comitiis ea ratio valuit, ut Naturalis Anglus efficeretur, quod olim Brusiorum gens ex Anglis descenderat (quanquam is singulari sua prudentia et Virtutibus plus de Anglorum Repub: meritus erat) quotusquisq, pene Scotus ex familiis illustrioribus erit, qui non ad Anglos originem suæ gentis et familiæ deducere potest. Prætereo tempora Inæ West-Saxonum Regis, quo quidem tempore multos Anglos ex Scotia Uxores duxisse ait, at omnes fere proceres Scotorum ex Nobilissimo sanguine Anglorum, et quod ex Beda nuper
fol. 133. recitavi de Anglis in Scotiam confugientibus, qui victu et Libris sine ullo sumptu refecti sunt, duo alia tempora commemorabo, quibus Anglorum multi proceres in Scotiam venerunt; et cum Liceret eis ad pristina redire, maluisse tamen in Scotia considere, ubi et prædiis et Latifundiis egregie ditati sunt, et originem apud nos clarissimis ffamiliis præbuerunt, immo longe clarioribus quam ex quibus descenderunt. Prius illud erat tempus cum Conquestor, devicta Anglia, maximam Tyrannidem in ea exerceret, Anglos et patrimoniis et bonis omnibus exueret, omnia sibi Iure belli vendicans, et inter Normannos suos distribueret, Angli bonis exuti ad Milcolmum tum Scotorum Regem confugerunt, a quo humaniter et perbenigne accepti. Hoc facto Conquestoris iram Malcolmus in se accendit, qui contracto tam Normannorum quam Anglorum

Copiosissimo exercitu, Ulturus, ut sibi videbatur injurias, in Scotiam venit; nec minore animo ei occurrit Malcolmus, ut eos qui suæ fidei se credidissent, protegeret, stabatq utraq acies ad pugnam jam parata, sed interventu Episcoporum et præcipue Carliolensis, pax certis conditionibus convenit, ut Malcolmus Conquestorem tanquam Regem Angliæ pro Comitatibus Northumbriæ, Cumbriæ et Westmariæ, quos tanquam beneficiarius Anglorum Regis Scotus solitus erat tenere, tanquam Dominum suum agnosceret; quod eo facilius annuit Scotus, cum Anglorum potius putaret esse de Regno contra Normannos disputare, quam ad se pertinere. Rursus a Conquestore id impetratum (neq enim aliter pax convenisset) ut omnibus Anglis qui in Scotiam profugerant, non solum immunitas sed restitutio ad sua patrimonia et omnia bona daretur, his Legibus cum pax utrinq Iurata fuisset, testantur Historici Angliæ, Maluisse Anglos apud Malcolmum remanere, quam cum patrimonii restitutione Conquestorem regnantem videre; et a Malcolmo principe humanissimo receptos prædiis et Latifundiis honestatos initia clarissimis apud nos ffamiliis præbuisse, horum nomina a nostris hæc recensentur. Lyndesii, Bassii, Ramsei, Lovellei, Prestonei, Sandelandei, Soulesii, Maxuelli, Wardlaii, Locartsii, quibus postea accesserunt Montgummerii Colvilli Colinhamii sive Cuninghamii, Quintii, qui et Comites Cestriæ fuerunt, Rossii, Ballioli, Brusii, Bissettii, Stratonii, Barclaii, Knollii, Lillii, immo ipsa Regia Stewartorum ffamilia ex Wallia discenderat et Walterus ejus princeps, ex Regis Walliæ ffilia nepos erat. Sane insignis hæc fuit Malcolmi pietas et humanitas, non solum ad se transfugientes, ut suos suscipere, sic pro eorum salute et suam et gentis suæ salutem periclitari; quod si talis tum fuisset Scotia, qualem Angli hodie fingunt, aut Dolmannus somniat aut Christopherus Piggitus, in hoc postremo ordinum concessu, in inferiore Domo non puduit asserere, Scotiam oī⁊ Regnor⁊ esse infecundissimam et sterilissimam, nunquam eam Angliæ [*sic*] Nativis sedibus præposuissent, cum ad eas redire libere tum liceret. Aliud tempus erat sub Roberto Brusio, cum tot sanguinolenta prælia, tot exercituum strages, inter Anglos et Scotos pro execrando illo hominio intercederent, in quo cum pleriq viri fortes cecidissent, relictis filiabus hæredi-

Math: Paris, Malmisburiensis Hovidenus et pleriq3 alii.

fol. 134.

bus, eas omnes in Matrimonium eis Anglis tradidit, quos in exilium Edvardus 2[dus] ejecerat, ut adversæ culpa pugnæ a se in suos rejiceret, inde et aliæ ex Anglis ffamiliæ natæ, quæ nunc apud nos summo in honore sunt, præterea quo tempore venerant incertum pene est; at has clarissimas ffamilias ex Anglorum sanguine descendisse est certissimum, Brunii

fol. 185. Moubraii Colvilli, Graii, Hevalii, Chenii sive Chesnei, Halli, Ormistonii, Simmerii, Waussii; sunt sane qui Gordonos et Campbellos adjiciunt, duas in Scotia familias illustrissimas; ego ut in re dubia quid dicam hereo, cum sciam ex utraq; hac familia et cognomine plerosq; in Chronicis anglorum Legi; sane illud constat infinitas in Anglia ffamilias ejusdem cognominis et in Scotia etiam, argumentum evidens, aut nostros ab Anglis aut a nostris Anglos descendisse. Itaq; quod uni, quia ex Anglis discenderat, publicis suffragiis concessum est, cur toti genti cum originationes suas ab eisdem Anglis deducere pleriq; possunt, cum ratione denegari possit, non video; nam qui a Romanis in colonias missi sunt, neq; ipsi, neq; eorum posteri jus Romanæ Civitatis amiserunt; sed inter cives Romanos, tam in muneribus belli quam pacis et omni alia immunitate munerabantur. (Quod si hæc Naturalizatio quam vocant sæpe venalis prostat, neq; enim ulli petenti et pecuniam offerenti solet denegari) cur non meritis et virtuti patebit, cur non Reipub: et ejus commodis perpetuis non potest condonari? itaq; si Iuri suo, locus apud vicinos nostros est, si naturali æquitate, si benemeritis, profecto Scoti in Anglia pro Anglis sine discrimine et differentia recipiendi; et liber eis aditus, ad omnes honores dignitates sive munera pubica [*sic*] (nisi indigni sunt) aperiendus: Licet in eo quem diximus celeberrimo Conventu, aliquid de jure nostro remissum sit, idq; ex moderatione sapientissimi et serenissimi principis, cujus prærogativa tum salva tamen declarata est, ut non minus Scotis quam Anglis honores et publica munera possit ex arbitrio suo tribuere. Illud enim ex jure constat, Magistratuum et dignitatum collationes, ad principem jure Coronæ

fol. 186. pertinere, et inter Regalia annumerari: recte ait Tacitus plerumq; eodem die quos hostes Romani habuerunt et Cives viderunt. Urget nos etiam Romanorum exemplum, qui licet dubio prælio cum Latinis pugnassent, quinquaginta annis

cum Samnitibus bellum gesserunt, et Gallis urbem incensam noverant, et Thuscis obsides dederant, omnes tamen hos populos postea Civitate Romana donarunt, et Magistratus ex iis curarunt et Senatores creari, nec hi postquam admissi sunt amore in novam patriam ipsis Romanis cedebant. At si vetera in memoriam revocemus, Scoti Anglis fideliter contra Danos et Norvegos operam suam prestiterunt, socia arma Iunxerunt, unde Northumbria ad Tinam usq; et Cumbria et Westmaria virtutis ergo donati sunt, quibus cum aliquot postea Reges Anglorum (inter quos et Henricus 2^d^9) carere commode dicerent se non posse, easq; rursus sibi vendicarent, nostri armis retinere vellent, nata sunt aliquoties bella, rara tamen prælia, immo auxilia a Scotis in civili contra Simonem Motisfortis [*sic*] Comitem, et alios Anglorum proceres et contra Wallos Missa; sed mortuo Alexandro Rege, ejusq; sobole deficiente Eduardus Primus occasione rapta (qualis antea nunquam contigerat) Scotos sibi antea amicissimos in ditionem suam redigere molitus, arma utriq; Genti funestissima Scotiæ intulit, fusi Scotorum Exercitus, cum neq; Regem, neq; ducem tum haberent, et duodecem Regni competitores tum essent, qui singuli singulas factiones suas trahebant, quorum aliqui Anglum sequebantur, prorogatum bellum in Edwardi 2^di^ ejus filii et Edwardi 3^ij^ tempora, cujus is fuit finis, ut Scotia tandem suis Regibus suoq; Iuri relicta, Dominum nullum agnosceret; ademptæ tamen Scotis sunt provinciæ Northumbriæ, Cum- *fol. 137.* briæ et Westmariæ, quibus quamdiu Scotus fruebatur, tanquam Angli beneficiarius, Regnum Anglorum a Scotis nunquam Violatum fuit, nulla arma a Scotis in favorem Gallorum unquam suscepta, et in eo ut dixi judicio Reges Anglorum Rectius fecissent, si beneficii nomine, illas tres provincias adhuc Scoto reliquissent, nunquam enim possessio [*sic*] Normanniæ, Aquitaniæ et reliquarum provinciarum transmarinarum excidissent, si Scotorum Rex tanquam beneficiarius et Cliens pro illis tribus provinciis Anglorum permansisset, fidemq; quam Vassallus Domino debet servasset illibatam, prout a Scoto violatam, aut fractam, dum eis provinciis frui licuisset. Nulli annales posteritati reliquerunt, nec ipsi, qui infensissimi hodie et nobis et huic Unioni sunt in Historia reperiant, sed Domini Omnipotentis censuram et judicium in his inferioribus

admiremur, nam eodem modo et eodem seculo quo Scotorum Regi illas provincias ademerunt, et ipsi Normannia, Aquitania, Andibus et reliquis provinciis transmarinis, quas clientilari nomine de Rege ffrancorum tenebant, mulctati sunt: sed præterita culpari possunt ut dixi, corrigi non possunt; sunt tamen documenta utriq; genti utilia, ne post hac inter se dissideant, sed omnibus artibus et modis enitantur ut Britanniæ Regnum sicut numero hominum, et eorum quidem, ut antiqui Scriptores memorant, fortissimorum hodie frequentissum est, sic mutuis inter alios nos beneficiis et amicitia coalescat, et perpetua tranquillitate in posterum fruetur et sic vicinis gentibus omnibus timendum erit et formidabile.

fol. 138.

De origine Scotorum, Gentis, dignitate et præstantia tam in Literis quam in Virtute Militari.

CAP: 8

Cogor etiam invitus in hanc arenam de gentis nostræ dignitate discendere, ne omnino impares Videamur huic, cum clarissima Gente, unione, cum etiam nunquam, si pace illorum vera licet dicere, bello tot seculorum continuo inferiores fuimus, licet diverticula neq; lubens secter, neq; occurrentia soleam amplecti; tamen Anglorum Historici, præcipue Gulielmus Neobrigensis, Holinshedius, et alii nobiliores, Scotos ut barbaros, gentem immanem, et efferatam, et ab omni humanitate et humanitatis Studio alienam, undiq; in historiis suis Lancinant et perstringunt, justa enim arma quæ nobis necessaria, ne tot calumnias dum silentio præterimus agnoscere etiam videam;.

Quod ad nos attinet cum hostes essemus, nihil nostris vicinis placere potuit, et eorum Scriptoribus, licet non temere credendum, aliquid tamen condonandum est, cum omnes Monachi fuerunt ocio et ignaviæ dediti et rerum gestarum ignari (qui plus rumoribus, quam veritati aures suas et calamos assue-

verint); sed cum ipse ad hunc postremum Londini conventum tanquam Unus, e numero multorum, missus fuissem, contigit aliquando ut sermones, cum nonnullis Anglis, conferrem, de hac ipsa utriusq gentis in Unam associatione et incorporatione; multa sæpe ab eis excidebant inter sermones, quæ dignitatem Gentis nostræ non leviter vellicare videbantur, nam parem dignitatem, et equales honores, munerumq functi- *fol. 139.* onem Scotis indulgere aperte indignabantur; tot rebus gestis et opibus priores, et ego cum aperte dicerem, aut in Æquabilitate rerum omnium, nempe honorum, dignitatum, munerum tam publicorum quam privatorum functione, Unionem sive associationem hanc futuram, aut non diuturnam sperandam, quod et piissimi principis Eduardi Sexti rescriptum promittebat, et exemplum Peloponesiorum adducerem ex Polybio cum Peloponesii omnes, in nomen et consilium Acheorum concessissent, licet plerisque Peloponesiorum populis Achei et opib: et virtute cederent, nullam tamen ait Polybius esse solidam gentium Unionem Nisi unum publicum Consilium sit omnibus æqualiter in medio constitutis muneribus et distributis. Maximum ait Cicero in Amicitia vinculum est, Cicero in Amicitia. superiorem se parem inferiori profiteri, et nunquam se inferioris ordinis amicis anteponere; ut si propinquos habeant fortunis imbecilliores, eorum augeant honores opes et dignitatem, sic enim se submittere debent, superiores et inferiores attollere, in amicitia; maxime autem optandum est, ut æqualitas in amicitia sit nam cum equalibus vivimus, cum quibus tanquam e carceribus emissi cum eisdem ad calcem pervenimus. Ego sane sic semper existimavi, nihil tam naturæ aptum, tam conveniens ad res secundas vel adversas ferendas, quam ut in unam Gentem cooptemur, ita in una insula nati sumus, ut Natura ipsa societatem et amicitiam non solum inter nos peperisse videatur, sed ut idem velle et idem nolle nobis ab ipsa Natura pene sit ingenitum. Celebre est illud Diogenis qui amicitiam definit, unam in duobus corporibus animam, quod si Naturam Ducem sequi velimus, ut omnes debemus, æquum in posterum erit, sublatis Iam omnibus intestinis odiis et discordiis, in publicam utriusq Gentis salutem desudare, *fol. 140.* sed in hac societate sive constituenda sive conservanda præcipua cautio est ne ditiores amicos inopes despiciant aut contemnant

nam despici se Gens nostra ægerrime concoquit, proinde cum Angli objicerent se cum Infirmiore et inope populo, aduniendos, ubi quid amittant certum est quid commode [*sic*] sentiant nihil appareat, nostri id altiorib: animis inserebant nam nemo volens alteri potentiori (ut ait Salustius) in se imperium concedit, nam quamvis bonus et clemens sit qui plus potest, tamen quia malo esse Licet, formidatur, et proinde ad hanc unitionem difficiliores futuros nostrates non locus conjecture erit; Audivi ipse cum in Anglia essem a Iurisperito, qui se aliquem putabat, nullum unquam Anglorum Regem, Scotiam suo Imperio subjicere in animo habuisse; quam facile enim id potuisse fieri aiebat, si unquam destinato animo id proposuisset, facultatibus et opibus tanto superior; addebat etiam neq̧ Literatos in Scotia ullos, nullas Accademias, Leges aut nullas aut eas ex Anglia allatas et a priori puritate distortas; sed hos omnes superavit Christopheri Piggetti nuper petulantia, qui cum in Publico Ordin7 consessu, non veritus est asserere Scotiam omnium qui hodie habitantur regionum, esse sterilissimam, sic Scotos gentem super alias omnes perfidissimam et Barbarissimam, sine fidei ara, ut in proverbio est, indignos, qui in Regis comitatu tolerentʒ [*lacuna*] sanguine et proditorio corde con [*lacuna*] nullumq̧ aliud commercium inter nos intercedere possit, quam quale inter judicem et Latronem, ut Latro Luat, ille penas prescribat, et in comediis publicis [*lacuna*] quod falsum est, quod lepide dicitʒ, illud in Scotos torquetʒ. Sed quod nostram patientiam superat, in publica sua, veriꝰ tribunitia populi concione, quæ ad pietatem et concordiam consiliandam fieri debuit a D. Robinsono quodam concionatore verbi Dei tanquam inopes, perjuri, perfidi terquarum [*sic*] deniq̧ artifices ad D. Pauli vesana et virulenta sua Concione traducebamʒ tanta plerumq̧ sive invidia sive caligo mentes etiam eorum, qui acute cuncta nosse sibi videntur obfuscat, dabit itaq̧ mihi ut opinor veniam æquus Lector si pro patriæ in qua natus sum origine, et dignitate aliqua, adduxero, ut nebulas, in quibus vicini nostri adhuc versantur, et altiores
fol. 141. illas spinas ex animis eorum evellam, cum nullam rem in tantum huic unioni quæ communibus utriusq̧ gentis votis expetitur, magis obesse putem, quam si ita nostrates deprimantur, ut licet facultatibus inferiores, nulla tamen re neq̧

antiquitate neq studiis aut rebus domi at [*sic*] foris gestis pares saltem habeantur; Iustum enim bellum est quod necessarium et justa arma, quib: nulla nisi in armis spes est, et ut vicini nostri sciant ex hac sive utriusq Gentis associatione sive Scotiæ accessione, aliquid eis et potentiæ et dignitatis accrevisse (licet natura hoc animis hominum insitum est, ut inferiores præ se contemnant et despiciant) Nostri quanto facultatibus inferiores id aliis prærogativis, nempe Gentis antiquitate, et illibata hactenus libertate, et vera Gloria supplere et resarcire conantur. Divitias enim (ut ait Tacitus) Dii immortales propitii an irati negaverunt incertum est, cum et facultates nimis viciis omnibus et etiam hostibus sunt obnoxie, Inopia vero, et virtutum omnium sæpe mater sit cupiditatum noverca, et ab hostibus securitatem soleat præbere: Immo (ut ait Beda Anglicus Scriptor) dum de Britonibus loquitur nimiam affluentiam, Luxuria, et hanc continuo omnis lues scelerum comitari solet, Quæ de Scotorum origine ex Veremundo adfert Boëthius noster, inter fabulas cum Bruto Britannicæ Gentis supposititio autore prætereo, quanquam Boëthius illud primus non effinxerit, nam idem apud Huntintonensem scriptorem Anglum, qui quadringentis annis Boëthium præcesserat, historiæ suæ principio habetur, neq se destitutum antiquitatis autoritate memorat, licet a nominibus exprimendis abstineat; Solet quæq Gens origines suas vel Trojanis vel Græcis vel diis ipsis etiam ascribere. Antc Thesei tempora (ut Plutarchus ait) Historia densissimis est tenebris obruta, quodd [*sic*] ad me attinet eorum (inter quos Isodenus Huntintonensis fuit) opinioni accedo, qui ab Hispania (qua nulla in toto orbe terra toties bellis pulsata tot dominos mutaverit) tradunt Iberos in Hiberniam ut quieti et ocio consulerent bellorumq tempestates effugerent, primo trajecisse, multis id argumentis probare nititur, Vir maximi nominis Buchannanus, et ad ejus præfationem in Scotiæ Historias Lectorem Remitto, illud certum est ex Hibernia in Britanniam Scotos primum trajecisse et ibi primum sine ullius injuria sedes posuisse, Isodorus (qui ante mille annos scripserat) Hiberniam totam olim Scotiam Dictam, et Beda et Henricus Huntintonensis, et omnes Anglorum melioris notæ Historici, Hiberniam propriam Scotorum

Lib: 1: cap: 14. de Scotorum origine.

fol. 142.

Scotor7 prima origo etiam ex Anglicis Historicis.

patriam et sedem asserunt, quod et illa Claudiani carmina confirmant.

Me quoq; vicinis pereuntem Gentibus inquit
Servavit Stilico, totam cum Scotus Iernam
Movit, et infesto spumavit remige Tethis.

Ex quo loco manifestum est omnes Hiberniæ vires a Scoto contractas ut Britanniam suam faceret, aut ut nostri referunt, Britanniam a Romanorum Iugo liberaret, et rursus idem Claudianus.

Scotorum cumulos flevit glacialis Ierne

Quorsum enim Scotorum funera et strages Hibernia flevisset, nisi ex se nati fuissent.

Ex Hibernia in Æbridas Insulas sive Ebudas et Continentem Britanniæ Ubertate agrorum et amenitate soli illectos appulisse verisimile est, et ex omnium Britannicorum Historiis constat: An autem ante Christum servatorem natum appulerunt, acerrime inter nos et vicinos nostros contravertitur, qui nomen Scotorum Orbi nunquam innotuisse constanter asseverant ante

fol. 143.

Quo tempore Scoti primum in Britannia appulerunt.

Arcadii et Honorii saltem Valentiniani tempora, Camdenus etiam ipse qui universæ Britanniæ antiquitates et monumenta perscrutatus est, paulo post Constantini magni tempora, cum Romanorum imperium fœde a ferocissimis et barbaris Gentibus laceraretur, emersisse vult, sed ante Honorii et Arcadii tempora Scotos Britanniam occupasse testatur Anglorum Historicus, magni apud eos nominis Westmonasteriensis, qui Scotos in Britanniam venisse scribit anno Graciæ Septuagesimo Septimo, et præter eum Claudianus, Versibus prioribus et his etiam.

Utq; tibi nimium pugnæ inflammaret amorem
Facta tui memorabit avi, quem littus adustum
Horrescit Lybiæ, ratibusq; impervia Thulæ
Ille leves Mauros, nec falso nomine Pictos
Edomuit, Scotumq; vago mucrone sequutus
Fregit, Hypeboreas remis audacibus undas.

Patrem ipsius Theodosii, qui Avus erat Honorii et Arcadii Scotos et Pictos, qui in Britannia sedes habebant domuisse commemorat, quod non nisi aliquot ætatibus fortasse 70 aut 80 annis ante nepotum tempora fieri poterat; Vixit enim Theodosius ipse supra Sexaginta annos. Ante Theodosium,

Epiphanius[a] Scriptor exactissimus, cum Gentes quæ ex Iapheto prodierunt enarrat, Britannicos Scotos numerat, et licet hic Constantinum sequutus sit (nam 60 post eum annis vixerat) tamen Iudeus erat, et ex Palestina Regione oriundus, adeo ut nominis Scotici notititiam [*sic*] ex tanto interstitio terrarum et maris ad eum pervenire potuisse non sit verisimile, si Scoti obscura et ignobilis tum fuisset Gens, nullaq, fuisset prior ejus Æstimatio aut dignitas. Iam in illa enumeratione etiam Hispanis Epiphanius Scotos anteponit et Britanniam eorum insulam et sedem asserit, si locus ille Epiphanii sine commate legatur, Britannici Scoti manifeste distinguuntʒ ab Hibernicis Scotis, si cum commate, Scotos tum inter Britanicas gentes enumeratos, manifeste Hegesippus, quem ex Historia Ecclesiastica constat tempore Hadriani Augusti vixisse, hoc est ante Constantinum magnum, annis plus minus ducentis et decem, in Libro de excidio Iudaico, in Iosephi oratione habita contribulibus suos [*sic*] ut se potestati Romanorum traderent, sic scribi [*sic*], quid vobis, inquit, cum victoribus Terræ, quibus secreta oceani et extrema Indiæ parent, quid attexam Britannos interfuso Mari tamen a Romanis in ordinem redactos, Tremit hos Scotia, quæ Terris nihil debet, tremit Saxonia. Sed hujus Hegesippi autoritas in dubium vocatur, a Camdeno et aliis, rationem nullam adducunt nisi quod mentionem Constantinopolis facit; quæ ejus tempore Bizantium dicebatur; qui enim fieri potuit (aiunt illi) ut illius urbis quæ duobus seculis post excidium Hierosolymorum nomen accepit, mentionem fecerit, cum tum nulla Constantinopolis aut alio nomine diceretur; At huic observationi facillima occurrit responsio, nam cum Hegesippus græce scripserit, latino sermone postea fuit donatus, quid mirum si interpres Latinus tempore posterior pro Bizantio Constantinopolim verterit, Græcum hodie exemplar non extat injuria temporis amissum, alium nisi hunc Latinum Hegesippum non Habemus, sed omnem suspitionem tollit interpretis Autoritas, nam is Divus Ambrosius vulgatur, Mediolanensis Episcopus tempore Theodosii, quod cum ipsi Camdeno retulissem, ille pro singulari sua Modestia nihil respondit, nisi videri stylum illius versionis a Stilo Ambrosiano multum dissidere, quod tamen non militat, cum necesse sit aliter interpretem, qui Legibus interpretationis astringitur,

[a] In Anchorato.

fol. 144.

Scribere; aliter eum qui nulli legi scribendi addictus, quod animo concipit, suo stilo et ingenio exequitur et perficit. Itaq, Hegesippi autoritas frustra a Camdeno vellicatur, quod *fol. 145.* si hujus Hegesippi autoritas tam levis est, cur toties in Anglicum sermonem convertitur? cur in ejus versione viri doctissimi gloriam etiam aucupantur; sed omnium maximum est et Hegesippum defendit, quod Iosephus Ben Gorion recitat, nam cum Nero maxime augeretur [*sic*] quod præter Iudeos etiam Persæ rebellassent, et arma sumpsissent, accessit ad eum Vespasianus tum unus ex ejus ducibus, ut eum solaretur indicans quo modo armis percussisset totam terram e Tegorina (quam dicimus Germaniam) et totam Scotiam et quod nihil essent Iudei præ magnis illis nationibus, quas Neroni subegisset: verba Iosippi haec sunt ויגד לו כי הכה את כל ארץ המערב ואשקוסיא ואשכנז וכל ארץ תובל In sua versione Munsterus maximam nobis injuriam fecit, qui pro Scotia, accuratissime Hebraicis Literis scripta, Britanniam substituit, seu potius supposuit. Hunc locum, cum doctissimo domino Episcopo Dunelmensi ostendissem in summam admirationem adductus est; et postquam versionem et textum Hebraicum inter se contulisset, ingenue fassus est, a Sebestiano Munstero magnam nostratibus injuriam illatam; nec unquam se putasse tam illustre testimonium antiquitatis suæ Gentis Nostros habuisse; sed ne subterfugio ulli locus sit, Bedam Anglum sive Anglo Saxonum Antiquissimum rerum Britannicarum Scriptorem, ad idem (ut aiunt) adduco, qui licet ab exacta temporis ratione, quo Scoti in Britanniam discenderant, Abstinet, tamen in sua Ecclesiastica Historia eorum in Britanniam adventum, expeditioni Iulii Cæsaris præponit, tanquam tempore priorem. Sic postea cum vexationem Britanniæ a Scotis et Pictis transmarinis gentibus commemorat, hoc addit ne vox (transmarinis) errorem inducat, *fol. 146.* transmarinas eas dicimus gentes non quod extra Britanniam positæ sunt sed quod a parte Britonum duobus maris finibus interjacentibus essent remotæ, quorum unus ab orientali mari alter ab occidentali Britanniæ longe lateq, irrumpit, quamvis ad se invicem non pertingant Æstuaria Glottæ et Bodotriæ a Tacito et Ptolemeo dicta innuens. Bodotria nunc paululum immutato nomine Forthia dicitur.

Caledonios eosdem fuisse, qui nunc Scoti manifestum est,

tam ex Tacito quam Ptolemeo, nam in ulteriore Bodotriæ Littore sive ripa ponit Tacitus, Ptolemeus in Septentrionali Britannia, uterq; in vicinia Grampii montis; nam et vetus nomen hodie remanet, ubi et relliquiæ silvæ Caledoniæ circa Bodotriam sunt: Quod si Caledonii Scoti fuerant ut necessitas fateri cogit, et tempore Dictatoris et Romanorum Britanniam colebant. Florus Dictatorem Britannos in Caledonias Silvas sequutum ait, et Plinius Romanos arma propagasse, sed non ultra vicinitatem Silvæ Caledoniæ ait, et Solinus anguli Caledonici et Caledoniæ meminit, sane Caledonios in septentrionali parte Britanniæ ad Circium prope Grampium Ptolemeus, Tacitus, et Plinius locarunt, et Gildas et Beda a Circio (i.e.) ea parte Britanniæ quæ circio vento subjacet (i.e.) inter occidentale et septentrionale Latus Scotos in meridionalem Britanniam irrupsisse [*sic*] aiunt. Itaq; quæcunq; a Cæsare, Floro, Martiali et aliis, de Caledoniis scripta sunt, de Scotis intelligenda sunt, qui et hodie eam partem quæ Caledonia antiquitus fuit incolunt; et Caledoniæ Silvæ relliquias adhuc apud se habent, et agnoscunt, parum mutato nomine temporis vitio, nam Dunicalden sive Dunkeldon adhuc dicitur urbs in ea Regione sita (i.e.) mons Caledoniæ.

Prætereo et illud de Scotobrigantibus, a viro Doctissimo Iosepho Scaligero in emendatione versuum illorum de morte Claudii annotatum, et summo Iudicio antiquæ veritati restitutum; Nam vitium fuisse in verbis (Pictos Scuta Brigantus) nemo non vidit, et illud Scaligero prior annotavit, Adrianus Iunior, vir eruditissimus, sed non eadem fælicitate emendavit, nam pro (Pictos Scuta Brigantus) restituit (Cute Brigantos) quam lectionem Camdenus sequitur: quod si veterum Authorum exemplaria aliquibus in Locis corrupta esse Constat, et ex probabilibus conjecturis et argumentis verisimilibus emendationes semper licuerunt et adhuc licent, certe ille Locus apud Suetonium Tranquillum emendationem pati potest, et quæ de Scythis illic scribuntur de Scotis intelligenda; Versus sunt Flori Poetæ in Adrianum Cæsarem. *fol. 147.*

Ego nolo Cæsar esse
Ambulare per Britannos
Scythicas pati pruinas

In quibus versibus aut ego fallor aut pro Scythicas legendum Scoticas sic

> Ambulare per Britannos
> Scoticas pati pruinas.

Nam preterquam quod primo pede raro perichium admittit Iambicus dimeter, acatalecticus, Adrianus Cæsar Scythiam nunquam ingressus, imo nec e propinquo salutavit, aut ultra Danubii ripas progressus est, cum tamen in Britannia deutissime [*sic*] Legiones tenuisset, aliquot Gentes in ditionem accepisset; sed ob immanitatem et ferociam earum Gentium, quæ trans Tuedam habitabant, cum neq; armis domari neq; præsidiis poterant contineri, murum illum ingentem Lapidum famosissimum, in confinio Britanniæ, ut eam provinciam a Scotorum et Pictorum injuria defenderet, multis sumptibus et militum Laboribus perfecit, neq; unius aut alterius anni opus ille murus fuerat, Itaq; pro Scythicas Scoticas legendum puto, ita ut lectori candido Iudicium Liberum relinquam; nam quam frequens et facilis fuerit mutatio Scythici nominis in Scotorum ex sequentibus apparebit, cum ad Divi Hieronimi locum pervenerimus.

fol. 148.

Pictorum duæ Gentes Deucalidonii et Vecturiones.

Pictos in duas Gentes divisos Dicalidonios et Vecturiones testatur Ammianus ut Scotos in Attacotos et Scotos (quas gentes feras vocat) excursionibus et Vastationibus in decimo Consulatu, Constantii Cæsaris et Iuliani tertio consulatu qui erat a Christo nato annus 360 et toto tempore Constantis Imperatoris Britanniam populatos memorat; at hi omnes circa annum domini supra dictum Imperarunt, sed annotatu dignum quod ab Ammiano refertur, nempe tempore Consulatus Constantii et Juliani in Britannia, loca limitibus vicina a Scotis et Pictis Gentibus feris vastata, ex quo manifestum (nisi fallor) Scotos et Pictos antea longe in Britannia sedes habuisse, et eas quidem limitibus a Britannis discretas, nam qui poterant loca limitibus Britannorum vicina vastare, nisi ipsi in confinio eo tempore habitassent, et proinde Britanniam aliquando a veteribus Scriptoribus pro ea Britanniæ parte, quæ muro inclusa fuit, sumptam a Gilda et Beda frequenter Constat, quod et Buchannanus annotavit, Nec illud prætereundum, cum Pictos in Dicalidonios et Vecturiones dividit

Marcellinus, a plerisq; pro Dicalidonios legi Duncalidonios et ita in Exemplari quod servatur in Bibliotheca Divi Marci Venetiis se observasse mihi narravit vir doctissimus.

Nam de Dicalidoniis apud nullum alium autorem quicquam reperitur, quod si ita est Ducalidonios Scotos fuisse certum est, quod Marcellinum latere potuit in aliena Republica minime *fol. 149.* curiosum, quod de Attacotis refert Ammianus, licet eos aperto distinguat Scotis, ego tamen eos qui priores in Insulam trajecerunt dici puto Attacotas. Maxima vocis pars cum Scotis convenit, et quod Ammianus Græce scripserat apud quos geminum ττ pro gemino Σσ Sepissime ponitur, per atticismum, ut Attocoti et Assocoti iidem sint, et ut Franci hodie etiam efferunt, quemadmodum et Dicalidones apud Marcellinum et Caledonii, et apud reliquos primæ Classis autores iidem sunt, sic et Attagothi et Gothi sic et Attallani sive Cattallani in Hispania, alioqui de præpositione hac (atta) multa dici possint sive ab *ατε* quod tanquam significat sive quod *αττοι* pro (quædam) aut (aliqua) ponatur et sæpe in oratione apud Græcos vacet et attegare pro integrare apud Festum reperiatur; et qui prius Arabes post, contracto nomine, Arbes, et tandem Alarbes dicti, certe constat Attacotas in ea parte Britanniæ sedes habuisse, quæ nunc a Scotis habitatur, At cum Brigantas et Silures Scotos et Insulam Monam Druidum sedem anti- Mona Insula quissimam a Scotis possessam et Scotiæ tum partem fuisse et ubi sita. adhuc eam esse, quæ hodie Man dicitur, asserit Noster Boëthius et non eam quæ Walliæ adjacet et hodie Anglisey vocatur, ut Luddus putat. Boëthium Nostrum indigne a Luddo et Lelando carminibus et dicteriis aculeatis laceratum video, cum Boëthius gravissimos autores pro sua opinione habeat, nam Monam veram ait Cæsar (quem omnium Scriptorum merito primum vocat Tacitus), in medio trajectu inter Hiberniam et Britanniam sitam, et eam non latuisse aliquid verisimile est, qui nullis sumptibus, nullis Laboribus pepercit, ut Gentis a se primum *fol. 150.* domitæ originem et interiora cognosceret. At Anglesiam in medio trajectu inter Hiberniam et Britanniam sitam quis pro vero affirmet, aut etiam Insulam cum vado transiri possit, ut ex Tacito constat, cum potius Cherronesus sive peninsula dici debeat; certe summæ imprudentiæ est eam in medio trajectu inter Hiberniam et Britanniam sitam dicere, si vado ex Brit-

annia possit adiri, tamen ne adversus Tacitum, quem pro se Luddus adducit pugnare videar, et cum diis quasi bellum gerere; puto Anglesiam antiquitus potuisse etiam Monam vocari, nec tamen illam fuisse quæ Druydum a Cæsare sedes dicta est. Et ut hæc Mona etiam Monavia idem cum Anglesia nomen habuerit, nam veram Monam Hiberniæ proximam ait Paulus Orosius, et spacio non parvam soloq; commodam æq; ut Hiberniam a Scotorum gentibus habitari scribit, hos tantos authores eludant si possunt Luddus et Lelandus, aut si diis placet cum suorum Cambrorum testimonio recenti conferant, qui tamen omnes nihil aliud asserunt, nisi illam insulam Menoniam sive Monam etiam dictam, præter certissimam illam Iosephi Scaligeri emendationem de Scotobrigantibus, Brigantes Scotos fuisse Constat ex illo Orosii Loco, qui in Hibernia, quæ antiquitus Scotia Dicebatur, ex Brigantia Galleciæ Civitate ortos Brigantes scribit, Hiberniam illam licet Spatio terrarum Britannia Angustiorem, Cæli tamen soliq; temperie magis utilem, a Scotorum Gente coli ait, cui etiam Menavia Insula proxima, et ipsa non parva solo commoda æq; a Scotorum Gentibus habitatur; hic præterquam Brigantes Galleces in Scotia consedisse certum est, etiam et Monam eandem fuisse cum Monavia et Hiberniæ proximam et habitari a Scotis constat, quæ autem alia potuit Insula esse Hiberniæ
fol. 151. proxima et a Scotis habitata Cœlo et solo commoda, quam hæc Mona? Silures etiam fuisse Gentem Scoticam, et vell [*sic*] Gallovidiam vel Argadiam occupasse, ipse Plinius innuit. Britannia (inquit ille) Insula est clara Græcis Nostrisq; monumentis, inter Septentrionem et occidentem jacet, Germaniæ, Galliæ et Hispaniæ multo maximis Europæ partibus magno intervallo adversa. Albion ipsi nomen fuit, cum Britanniæ omnes vocarentur de quibus postea dicemus. Et paulo post triginta jam annis notitiam ejus Romani armis non ultra Vicinitatem silvæ Caledoniæ propagarunt, notanda Plinii verba (non ultra vicinitatem silvæ Caledoniæ) quod illa Ammiani Marcellini verba confirmat, nempe Britanniam Limitibus a Scotis et Pictis vicinis Gentibus distinctam et Caledoniam Silvam pro limite fuisse, quod etiam ex ipso Hieronymo postea confirmabimus. Agrippa longitudinem ejus octingenta millia passuum Latitudinem 360 credit, super eam (ait) sita est

Hibernia brevissimo transitu a Silurum Gente viginti nempe millia passuum, ex quo loco eam Britanniæ partem a Siluribus habitatam ait, quæ non nisi viginti millibus passuum ab Hibernia distat, sed si omnes Hiberniæ partes, omnes Britanniæ discutiamus, nulla tam prope objacet Hiberniæ, quam vel Gallovidia vell [*sic*] ea Regio, quæ Cantira sive Caput Terræ dicitur, et sex horarum spatio ex iis Regionibus in Hiberniam navigatur; cum nulla sit meridionalis Britanniæ pars, ne Cumbriæ [*sic*] quidem tam vicina quæ non centum millibus absit ab Hibernia. Huic consentit Iulius Solinus. Mare ait ille quod Britanniam et Innernam interluit Undosum et inquietum toto in anno, Silurum quoq; Insulam ab ora, quam Gens Britannica detinet, turbidum fretum distinguit; ex his Locis quid Boëthius noster pro se habuerit ut Brigantes Silures et Monam *fol. 152.* Scotiæ ascripserit Viris doctis Iudicandum relinquo: Itaq; rectius fecissent Luddus et Lelandus si modestiæ fines non excessissent: nec in virum doctum, cui tamen Historicum Angli parem non habent, suis carminibus et Scriptis fuissent debacchati. Sed illud commune Vitium habuerunt Angli Scriptores fere omnes, ut parum soliciti sunt [*sic*] quid dicant, modo de Scotis male dicant, et quid mirum, cum omnes Scriptores hi Monachi fuerunt, Gens veritatis et modestiæ studiis semper aliena, neq; quicquam publice mercis tam venale fuit, quam eorum in rebus scribendis Licentia, dum externas [*sic*] futuras cum Scotis inimicitias suas putarent, at inimici ita sunt habendi, ut eos aliquando amicos fieri posse credamus; nostri sane Scriptores probandi magis sunt, quorum nemo quod sciam aut Anglorum gentem aut Gloriam scripto unquam tentavit vellicare; sed hæc de origine et antiquitate Scotorum, sane antiquiorem Scotorum originem Constantini temporibus, eosq; in Britannia consedisse testatur, vel illud Hieronimi, qui Scotos Gentem Britannicam in Gallia humanis carnibus vesci se vidisse scribit, cum adolescens in Gallia esset, natus Hieronimus est anno 330 testo Erasmo sub finem Constantini et in Adolescentia ait se vidisse Scotos Gentem Britannicam, quod manifeste evincit Scotos in Britannia longe antea consedisse, sed de hoc Hieronimi dicto plura forsan postea. In hac Scotorum ex Hibernia in Albionem transfretatione nusquam memorat; quicq;m ab iis violenter aut humanitate indignum factum aut

aliquo scelere involutum, vicinas tantum sedes ubi rari prius erant cultores, sine vi, sine lesa ulla in pte fide, aut cujuscuq injuria acceperant, et regnum ibi erexerunt, quod vel in Literis humanioribus, vel belli gloria nihil unq[m] vicinis debuit, inde *fol. 153.* factum puto, ut nullum hodie in Europa aut alia habitabilis orbis parte sit regnum, quod vetustate cum Scotiæ Regno possit conferri, verum est enim q[d] a psalmista dicitur, psal: 80 [*sic*] viros impios sanguinolentos et perfidos non dimidiaturos dies suos in terris, quod ab hominibus regnantibus, ad ipsa regna, potest non incommode transferri. Precesserat hec in Britanniam transfretatio Scotorum Cesaris Dictatoris tempore, ut ex predictis facile colligitur, sed feros et inhumanos tum fuisse Scotos, ut a Marcellino dicuntur, et merito barbaram et Immanem gentem a suis dici adjiciunt, neq quicquam humanum vel divinum apud eam tum fuisse Sanctum; immo ne fidem quidem, quæ unicum humanæ Societatis vinculum est et hodie etiam ab humanitate Anglorum plurimum abesse. Ego hæc ex odii veteris Scintillis quibus Pœni Romanos et Romani rursus Pœnos exarserant orta replicabam, immo apud hos immanes et efferas Gentes omnia humanitatis, immo et Christianæ pietatis officia (si usquam alias) etiam adversus Anglis [*sic*] Literasq omnes in reliquo terrarum orbe publica aliarum Gentium circa bonas artes socordia, sopitas et intermissas non solum viguisse, sed reliquo etiam orbi distributas asserebam in mensa doctissimi et piissimi Antistitis Dunelmensis, cum ab eo, qua est in omnes, humanitate et Comitate invitatus essem; immo ab ipsis Hebredibus quæ barbarissimæ creduntur et pietatis Christianæ et omnium humanarum Disciplinarum studia ad reliquas Orbis partes inde emanasse, Romanæq Tyrannidi et Superstitionibus inducendis maxime obstitisse non dubitavi affirmare, quod tum non solum παράδοξον sed monstri simile illis tum videretur, cum Britones et Anglos et Relligionis et humanitatis studiis priores et tempore et qualitate dicerent primos et Regiones quæ Christo nomina dederunt fuisse Britanniam eam universam certum est, Scoti *fol. 154.* sane veram pietatē amplexi sunt, circa annum a Christo nato 285 [*sic*] vel ut fatetur Westmonasteriensis inter Anglos Historicos primi Nominis; Origines Scriptor Antiquissimus, terram Britanniam consensisse in unius Dei Relligionem ait, fæda

a Scotis Religionis et Disciplinar: omni7 propagā nem. ad Anglos et alias Gentes demanasse.

tamen defectione Pelagianam Heresin pro ea sunt amplexi Britones, Scotis in vera pietate constanter permanentibus, quo quidem tempore cum Scoti Asiaticarum Ecclesiarum mores potius quam occidentalium sequerentur, missus est in Scotiam a Romano pontifice Celestino I°/ Palladius et ipse Scotus qui et Scotorum Apostolus Dictus est, qui Ecclesiam a multis Gentilum superstitionum maculis purgasse dicitur; cum tamen revera Romanæ Ecclesiæ ritus et ceremonias tantum introduxisset Scoti duobus ante seculis in vera pietate imbuti Orientalis Ecclesiæ Doctrinam retinuerunt, ut et multos post annos sequuti sunt, ut mox dicemus. Hujus Palladii discipulus ex Scotis parentibus Ortus Servanus primus Orcadum Episcopus et Apostulus dictus est. Ejus discipulus Ternanus Scotus ad Pictos missus est a Palladio, eos ad fidem Christianam convertit anno 440. ffloruit primus paulo post Quintigernus Eluius [*sic*] Episcopus Glasguæ, omnes hi pietatis quam ubiq̄ prædicabant studiis et literarum aliarum cognitione clarissimi. Cælius Sedulius poeta anno 456 ad Literas natus Hildeberti Scotorum Archiepiscopi discipulus cujus adhuc extant multa poemata tanta carminis dexteritate ut etiam hodie legentibus cum multis antiquissimis poetis credantur posse comparari, Hispaniam, Galliam, Italiam, Græciam et Asiam ingenti itinere prælustravit, postremo post publicatas in Achaia Disciplinas et Literarum Studia Romam reversus est, et multo sudore comparatos Doctrinæ thesauros illic quoq̄ distribuit, hunc Gelasius papa venerabilem virum vocat ejusq̄ scripta et præcipue paschale opus inter Ecclesiæ Catholicæ scripta recepta testatur, in ejus Laudes effusi sunt Paternis Gregorii magni discipulus et Remigius Antiscodorensis Episcopus hunc sequutus est. Fridelinus viator Scotus Hibernus Homo pius docuit circumquaq̄ in Galliis ad Pictauiam, tandem veniens in Divo Hilarii ffano, Doctrinæ nomine, Monachorum pater factus est; inde discedens apud Belgas ad Mosellam in altis Vosegi Culminibus Curiæ Rhetorum Argentinæ et postremo per Burgundiæ provincias apud Sekingentes ad Rhenum Cenobium instituit, Scholas apperuit, hæc quarto post Christum Sæculo cum pene omnes in aliis nationibus Literæ quasi sepultæ conticesserent, Hunnorum, Vandalorum, Gothorum armis undiq̄ perstrepentibus, vel dicat aliquis qui tum Scriptores in Gallia, Germania,

Qui Scotorum doctrina et pietate floruerunt 4to post Christi natum Seculo.

fol. 155.

Britannia: qua [*sic*] fuit provincia Romana aut etiam in ipsa Italia aut Græcia claruerunt aut non [*sic*] posteritati reliquerunt.

Quinto post Christ7 Seculo.

Quinto post Seculo floruit Patricius Magonius Scotus Hibernus, qui contra Gentilium errores librum edidit. Vixit et eo tempore Brigida Lagunensis Scota, ffæmina doctissima, sed longe clarior ea fuit Columbanus Congelli Discipulus, qui Luxouiense in Gallia Cœnobium condidit; hic in ea insula, quæ adhuc ejus nomen retinet, et antiquorum Scotorum Regum sepulchris claret, nempe inter Hebridas, quæ ab immanissimis gentibus hodie habitari creduntur, Cœnobium instituit, et Scholas aperuit; ex quibus velut ex equo Trojano, innumeri Christi milites seu præcones exierunt, inter hos Daganus Episcopus, vir Apostolici ordinis, novos Romanæ Ecclesiæ ritus a Romanæ sedis emissariis advectos in suis Ecclesiis admittere noluit; nam cum Augustinus ille, qui Anglorum Apostolus dictus est, a Gregorio magno in Britanniam missus fuisset, ut specie Saxones ad Christianam Relligionem imitaret [*sic*] (qui tamen ante ejus adventum in plerisq; partibus, nomen *fol. 150.* Christo ex Scotorum prædicatione dederant) revera tamen, ut antiquatis primitivæ Ecclesiæ ritibus Romanos induceret, et præcipue Paschæ celebrationem, quæ a nostris a decima quarta Luna ad Dominicæ resurrectionis diem observabatur, in quo et in Baptismi ministerio assentire ei se nolle palam Daganus professus est, mutationemq; prioris formæ et rituum innovationem damnabat: extat Epistola apud Bedam a Laurentio Anglorum Archiepiscopo ad Scotiæ Clerum missa, Scotos (ait ille) per Daganum Episcopum et Columbanum Abbatem nihil a Britonibus in eorum conversatione differre didicimus; nam Daganus Episcopus ad eos veniens, non solum nec cibum nobiscum sumere voluit, sed neq; in eodem hospitio quo versabamur divertere, hæc Beda.

Sexto post Christum seculo.

In sexto post Christum seculo egregiam ex Doctrina Laudem consequuti sunt Scoti Ionas Monachus in Luxouiensi Cœnobio in Gallia, Levinius Archiepiscopus dictus Scotorum et Christi Martyr, Doctrina et genere clarus qui cum Gandavum cum tribus Discipulis venisset, inde profectus, Escam Christi Evangelium prædicando multos convertit, sed quidam (ut ait Christianus Masseus Cameracensis) indurati eum martyrio decorarunt. Hoc seculo cum cæso a Penda Rege eorum patre

Lib: 3: Chron: mundi.

Oswaldus et Osuiius ad Aidanum Regem Scotorum profugissent, ab eo liberaliter recepti et educati, etiam in Regnum Northumbrorum Oswaldus restitutus, nec veræ pietatis quam in Scotia didicerat oblitus, Christianam Relligionem non solum ipse profitebatur, sed maximo studio et cura suos Northumbros institui in ea curabat, et proinde a Scotia viros doctos qui suos instruerent evocare non destitit: Exinde (ait Beda) cæpere plures perdies de Scotorum Regione in Britanniam venire, atq; in illis Anglorum provinciis, in quibus regnabat Oswaldus, magna devotione, verbum fidei prædicare, et credentibus gratiam Baptismi, quicunq; Sacerdotali erant gradu ministrare, Construebantur itaq; Ecclesiæ per Loca, confluebant ad audiendum verbum Dei populi gaudentes et donabantur munere Regio possessiones et territoria ad monasteria instituenda, imbuebantur Scotis præceptoribus parvuli [a] Anglorum, una cum majoribus, etc.: et idem monasterii in Hydosa [x] [*sic*] Constructi meminit, quæ una Hebridum est, a qua Insula licet hodie ab omni humanitate et literis alienissima credatur, missum ait post Aidanum pontificem ad Angliam in Christo instituendam, qui inter alia Saluberrimum Abstinentiæ et continentiæ clericis exemplum reliquit, et postea [b] Fursei meminit, qui de nobili Scotorum genere ortus, apud Orientales Anglos verbum Dei prædicavit, multos (ait ille) incredulos ad fidem Christi convertit, cœnobiumq; ibi ædificavit, et Laudes illius cum visione Angeli serio commemorat; Ex quibus manifestum est, tam Anglos, qui tum Humbriam habitabant, quam orientales Anglos, qui hodie Essexiam incolunt, quod Christo nomina dederunt, Scotis acceptum debere; imo (ait Beda) qui in aliis Saxonum Regionibus persecutionem fugientes in Scotiā se receperant, benigne et Libentissimo animo a Scotis susceptos, victum quotidianum eis sine præcio, libros quoq; ad legendum, et magisterium gratuitum Scotos curasse, ut eis præberentur. Non abs re erit Francisci Goduini in suo de Anglorum Episcopis Libro verba hic apponere, Oswaldi Regis tempore qui in Northumbria regnavit, misit idem Rex Legatos ad Scotos apud quos eo tempore pleriq; erant viri Deum timentes, et in literis apprime eruditi. Notanda hæc verba (pleriq; erant viri Deum timentes et in literis apprime eruditi), Suppliciter ab eis petens ut aliquem virum pium ad eum

Exules Anglorum humaniter semper a Scotis excepti.

fol. 157.

[a] Beda, Lib: 3, cap: 3: Hist. Ecclesiastici.

[x] vel Huia.

[b] [lacuna.]

alter7 exempl7 Scotor3 humanitatis in Anglos exules.

mitterent, qui populum ejus ditioni subditum in pietate
fol. 158. Christiana instrueret, quod cum non gravate Scoti concessissent, missus est ad eum vir pius et doctus, qui cum barbaros ejus Gentis mores (velim hoc annotent vicini nostri, quibus nos tam barbari videmur) non ferens, ad suos reversus est. Postea Aidanus Scotus missus est qui sedem Episcopalem in Lindisfarnensi Insula (nunc Insula Sacra dicta) erexit, et Northumbros in fide Christiana diligenter instruxit, qui et ibi mortuus est ultimo die Augusti (651). Sequuti sunt eum in ea sede quatuor aut quinq; omnes Scoti, ut mox dicemus, miræ pietatis et parcimoniæ; et tamen efferi, immanes, et ab omni humanitate et humanitatis officiis alieni dicimur, et ne eæ partes Angliæ solæ, pietatis et Relligionis progressus a Scotis accepisse viderentur, Anglorum Regionem mediterraneam fidem Christi recepisse memorat, Beda, Diunæ Scoti presbiteri opera, qui tribus Anglis in prædicatione verbum Divini Comitatus in illud opus sedulo incumbebat; de hoc Diuna sic ffranciscus Goduinus; Osuius Rex merciorum suis meridionalium Anglorum Episcopalem sedem Lichfieldæ erexit anno sexcentesimo quinquagesimo sexto et Diunam sive Dunnam, Scotum natum, in ea primum Episcopum instituit, Successit ei Cellacus et ipse Scotus, Secundusq; institutus Episcopus Lichfieldensis, sed abdicato paulo post Episcopatu, maluit apud suos Scotos vivere, et ad eos reversus est, Cellaco successit Trimherus, licet Anglus, tamen apud Scotos educatus et instructus, et qui Gentis instituta didicisset, meminit et Collmanni Beda, qui (ut ait) de Scotia oriundus et Episcopus secum aliquot Scotos et Anglos assumens, relicta Britannia, ad Insulam parvam et ad occidentalem Hiberniæ plagam sitam Monasterium Commune Anglis et Scotis ædificavit, et alterum
fol. 159. in Hibernia, at Diunam hunc factum Episcopum Middillangiæ et Merciorum et Landisfarniorum [*sic*], ait Huntintonensis, et huic mediterraneorum Anglorum conversionem ascribit, et ei successisse Coëlacum Scotum ait; habitabat Columbanus in Insula (ut ait Beda) Hii vocata et a Columbano viro doctissimo Cœnobium ibi erectum scribit ab ejus nomine, Columbani Cellam dictam, quæ hodie Hicolmekil dicitur, in qua pleriq; viri doctissimi vixerunt; et ne quæ pars esset Angliæ, quæ [*sic*] Scotis progressus in Relligione Christiana et literis deberet,

Australem Angliæ partem adhuc Divini Nominis ignaram, a Scoto presbitero, nomine Dicul, ad Christi professionem invitatam (ait Beda) hic Diculi [*sic*], cum quinq; aut sex fratribus quotidie Evangelium prædicabat, licet provinciales ejus Doctrinam audire non curabant (ut ait ille) sic Evangelii prædicatio, quæ a Scotis in Northumbria primum cœpit, ad omnes Angliæ partes, summo Scotorum studio et cura emanavit; certe in Septentrionali Angliæ plaga, quinq; erant continui Scotorum Episcopi in Lindisfarnensi Ecclesia quæ post Dunelmum translata est, nempe Aidanus ffinnanus, Colmannus, Tuda et Eata, Eatæ successit Cuthbertus, ipse ex Scotis Hibernensibus, et Regia stirpe ortus, ab Eata tamen institutꝰ, et Educatus in Monasterio Melrosarum et sic Cuthbertus Lindisfarnensis Ecclesiæ Episcopus factus est, hos omnes miræ fuisse sanctitatis et parcimoniæ testatur Huntintonensis,[a] et omnia Monasteria a Scotis erecta; adeo ut nihil pie et Christiane institutum in Anglia putaretur, nullum Cœnobium recte gubernatum, quod non vel a Scoto institutum, vel a Scoto gubernatum, videretur; licet Polidorus in Scotos (ut semper) parum æquus hæc omnia dissimulanter prætereat, et ad alios transferat; et quid mirum quod in Regionibus longinquis et longe potentioribus, Scoti tot Monasteriis præfecti, in Patres, tot etiam construxisse memorantur, ut ex sequentibus mox apparebit, si prius qua de causa septentrionalis Angliæ pars a Scotorum promotione in Episcopos et Abbates destiterit, ex Historiis Anglorum deduxero. Non solum eo seculo dissidebant Scoti a Romana Ecclesia in paschæ observatione, sed etiam pertinacissime in tonsura Clericorum et aliis multis, magnumq; discrimen (ait Beda) fuisse inter ritus Romanæ Ecclesiæ, et eos qui in Britannia observabantur. Id cum Honorius Papa indignaretur ut Scotorum nomen et progressus in septentrionali Anglia tolleret, primo ad Scotos misit literas, ut ait Huntintonensis, Correctorias de observatione Paschæ, ne paucitatem suam cunctis per orbem terrarum Christi Ecclesiis sapientiorem existimarent, quod Ioannes, Honorii successor, itidem fecerat, iidemq; ad Anglos, quorum animos jam diu per prædicationem Augustini fascinaverant, scripsit, ne ullum ex Scotorum gente ad Monasterii Præfecturam aut Episcopatum post admitterent; Itaq; Scoti a

Divus Cuthbertus Scotus.

Lib: 3.

fol. 160.

Qua de causa Scoti admini-strāne Ecclesiarum in Anglia pulsi.

dignitatibus Ecclesiasticis prohibiti in Septentrionali Angliæ parte, ad exteras nationes se contulerunt, ubi innumera Templa et Monasteria erexerunt et pleriq; ad Episcopatus erecti sunt, ut ex sequentibus constabit. Nam et prius Episcoporum Scotorum ea fuerat existimatio, ut annos numeret ipse Beda a Scotorum pontificatu in Northumbria (Northumbria tum dicebatur ea tota Regia [*sic*] quæ cis Humbrum jacet) et tres Episcopos omnes genere Scotos Paulino primo Eboracensi Episcopo successisse memorat Malmesburiensis, nempe Aidanum, ffinnanum et Colmannum. Hi ne illi tres fuerant qui Lindisfarnensi Ecclesiæ profuerant incertus sum. Neq; enim id expressum reperio; fuere autem hæc omnia Scotorum tum nomina; sed præstat verba Malmesburiensis subjicere, 'primus (ait ille) fuit Eboracensis Episcopus Paulinus, illo pulso tres Scoti successerunt Aidanus. ffinnanus et Colmanus, sed quia Colmanus a suo dogmate de paschate recedere nollet (Malmesburiensis eum convictum ait a Vilfredo) suffectus est ei dictus Vilfredus qui Romanas consuetudines introduxit rejectis Scotorum opinionibus. Lætabantur (ait ille) Reges, et Heroes gloriabantur in provincia se habere prædicatorem indigenam qui jam cruditatem nauseabant Scoticam'; et postea his. Vilfredus cum ad Eboracensem Archi Episcopatum vocatus fuisset et consecrationem juberetur a Scotis ut tum mos erat recipere, perstitit negare et recusare, ne ab Episcopis Scotis, vel quos Scoti ordinarent, consecrationem reciperet, quorum communionem sedes Apostolica aspernaretur; at postea hic Vilfredus Iactat se primum fuisse qui verum Pascha in Northumbria ejectis Scotorum ritibus docuisset, qui Cantus Ecclesiasticos et Antiphonatum instituerit, qui Sanctissimi Benedicti regulam a Monachis observari jussit, quod quid quæso aliud erat quam Romanenses ritus introducere; post Vilfredus hic Archiepiscopatu Dei Iudicio justo pulsus Romam primo petiit, postea ad Medio Saxones instruendos remissus, eos Romanorum superstitionibus et erroribus imbuit,[a] quilibet ex his nisi animi fallor caliget [*sic*] plurimarum superstitionum causa, quibus tum obstinate Scoti resistebant, cavisse Romanos pontifices ne Scoti postea vel Episcopi ordinarentur, vel Cœnobiis præficerentur; Ab eo tempore existimatio Scotorum tyrannide Romani Pontificis, cui tum parere necesse

fol. 161.

[a] Huntoniens: Lib. 3.

fuit, suppressa est; Scotiq; coacti ad peregrinas gentes divertere, quodcunq; Dignationis et æstimationis fuerat, eis in Anglia ademptum. Claruerunt ut dixi interea et eo seculo viri Scoti Docti Segenius Scotus Collegii Huensis præpositus, vir Apostolici et Sinceri Spiritus, sic et Finnanus Segenii *fol. 162.* discipulus, Aidano in Episcopatu Lindisfernensi successit, et ei rursus Colmannus ab Osuio Northumbrorum Rege eo Episcopatu Donatus, qui cum supradicto Finnano acerrime restitit Romano Pontifici in Doctrina de Tonsura Clericorum et Paschatis celebratione, et cum ventum esset ad Disputationem cum Cedda Archiepiscopo Eboracensi, et Hilda prudentissima fæmina, pro se adduxit veteres et Sanctas Ecclesiarum Asiaticarum consuetudines, a Britannis ejus Regni primis Christianis illucusq; servatas; eodem tempore vixerunt Romanus presbiter et Florentius Scoti, qui fflorentius patriam relinquens ad Haseliam fluvium in Alsatia degens Rathildem Dagaberti ffrancorum Regis filiam cæcam et mutam continuis orationibus dicitur Sanitati restituisse; pro quo beneficio Rex cœnobium eo ipso in Loco illi et Sociis construxit Astelochiam nomine, in quo Sacras Scripturas doceret, tandem post Rotharii Episcopi mortem, anno 663, Argentinensi Ecclesiæ præfuit, unanimi omnium consensu, ob vitæ Sanctimoniam designatus, et cum multi ad eum Scoti pii et Docti homines peregrinarentur, eis præclarum ad Bruschum amnem cœnobium constituit, in quo discendis Scripturis, Summo studio, operam navabant; eodem tempore Kilianus Martyr præclari generis Scotus peragravit Angliam, Galliam, Germaniam et Franciam Orientalem, ac Herbopolum Divertit, ibiq; a Benedicto Secundo Romano Pontifice Episcopus constitutus est, sed a Gisberto Regio præfecto occisus, quia eum publice reprehenderat Adulterii cum Gestana quadam, et cum eo sunt cæsi Colonatus et Totuanus Scoti, viri illa ætate doctissimi; floruit eodem seculo Adamannus Coludius Scotus insignis Concionator, qui prius apud Scotos et Pictos, post apud Anglo Saxones Evan- *fol. 163.* gelium prædicavit, a quo etiam Bedam plurima mutuatum memorant, et sua fecisse hujus certe meminit Beda, sic claruit Maidulphus Scotus vir Latine et Græce doctissimus, qui et Collegium Carebladdon erexit, eodem tempore et Cuthbertus Farnensis Scotus Hibernus, de quo supra Melrosæ in Scotia

Collegium in Anglia celeberrimum erect7 a Scoto.

educatus, et Merlinus Caledonius ex Scotis oriundus, et ffiacrius Scotorum Regis filius, qui aulam et purpuram aversatus, Glotharii Regis tempore, ad Pharonem Meldensem Episcopum devenit, ibiq; Solitariam vitam præposuit Diademati, ad quod morte patris Invitabatur, Clarum apud Gallos ejus Regionis adhuc nomen Fiacrii est.

Qui in 7° seculo.

In septimo post Christum seculo claruerunt, Artvillus, illustris et e Scotorum Regulo Nobili ortus, Sedulius Junior, ffergustus vel Pergustus viri docti, quorum tempore, multi Scotorum Sacerdotes, quia Doctrinam de Statuis in Ecclesia ponendis et colendis recipere noluerant, Sacerdotiis privati sunt; Clemens presbiter Scotus eo tempore Romano Anti-Christo ejusq; assecli [*sic*], Venefredo, fortissime in Gallia et Germania restitit, stipatus his sociis ex Scotorum Gente, Adalberto, Sidonio, Bauarorum Episcopo, et Virgilio Hiberno Scoto, quo quidem tempore Selestinus Scotus Abbas Blandinensis in fflandria amicitiam in omnibus coluit, cum Bertramo presbitero doctissimo, qui contra transubstantiationem ad Carolum Magnum scripserat, Iohannes Melrosius Scotus, Alcuini Socius, et Bedæ discipulus, Ticinensem Academiam sub Carolo Magno fundavit; hic cum Pontificum Romanorum dogmata et voce et Scriptis oppugnaret, Ticini obiit; Scripsit contra eum fflorus quidam Pontificis Romani Cliens, Claudius Clemens, *fol. 164.* Iohannis Melrosii et Alcuini Discipulus Academiam Parisiensem sub Carolo Magno instituit. sic eo seculo clarissimarum in tota [*sic*] orbe Academiarum nempe Lutetianæ et Ticinensis initia et primordia a Scotis sumpserunt. Scio hunc Melrosium a plerisq; Vicinis nostris asseri Anglum, sed annales Galliæ et Italiæ contrarium manifeste evincunt, quibus in suæ Gentis Historia et Academiarum initiis credendum est: Verba Polidori Virgilii ad hanc controversiam dirimendam subjiciam (ille de Achaio Scotorum Rege Loquens ad Carolum magnum, qui novas Academias conditurus, ad se usq; ab extremis orbis viros eruditos evocabat, Clementem et Iohannem viros doctissimos misit, per quos Carolus postea et Lutetiæ et Ticini bonas Artes cunctos mortales docendos curavit, et Vilibaldus Scotus eo seculo Evangelium prædicavit in Thuringia, Hassia, et Herenfordia, et primus factus est Episcopus Aistetensis.

Qui in 8° seculo.

In octavo seculo ejusq; primordiis Claudius Scotus Tauri-

nensis Episcopus factus, non solum prædicando sed et Scribendo adorationes imaginum, venerationem Crucis Reliquarum [*sic*] quæ Sanctorum dicuntur invocationem, Sanctorum peregrinationes ad Lumina [*sic*] Divorum, quæ in Ecclesias Italicas in quibus ipse fuit unus ex Episcopis irrepserant, et tum grassabantur fortiter, oppugnavit. In hoc Octavo seculo quinq; Scoti Episcopi sibi invicem successerant, Patto, Monachus, Amarbarensis, Cœnobii fundator et Verdensis Episcopus cui Times successit, rursus Cotila, vir Doctissimus, huic postea Harruchus et ipse Scotus, prætereo multa alia Monasteria circa hæc tempora in Anglia Belgio et Germania fundata, præcipue in Ratisponensi Ecclesia, cum [*sic*] tum Otto prefectus fuerat, ad quem septem fratres de natione Scotorum Ratisbonam vene- *fol. 165.* runt, omnes viri Doctissimi quorum hæc erant nomina Macrianus, Mathantinus, Murchertacus, Clemens, Gervasius, Isaac, et Donatus, et Prioratum Sancti Petri extra muros urbis fundarunt, et inhabitare ceperunt; ejus Monasterii fundationem ad tempora Caroli Magni multos referre scribit, Andreas presbiter.[a] Possum et aliorum seculorum viros doctos in magno numero recensere, qui omnes ex Scotia oriundi erant, sed his contentus fui temporibus quo et Disciplinæ et humanitatis Studia in toto orbe conticescebant, nam de aliis seculis minor est Dubitatio, quin singulæ ætates suos doctos Scotos tulerunt [*sic*], quod vel ex Holinshedio constat; et hodie licet rariora sunt viris Doctis apud nostrates Virtutis præmia, quæ sola artes alunt (nam haud facile emergunt, quorum virtutibus obstat res angusta domi) et fæcundiora sint apud vicinos, tamen ex his quos enumeravi, manifeste constat etiam in eruditissimis seculis Scotos literarum omnium scientia et pietatis et Relligionis studiis, qualia ea ætas ferebat, floruisse, et primos Tyrannidis pontificiæ dogmata subolfecisse, et acriter eis restitisse; hæc ut sciant vicini nostri nunquam nos ab humanioribus Literis neq; humanitatis studiis abhorruisse, nec meritos ut Barbari immanes efferati diceremur, ex eo quod nullis conviviorum illecebris, nullis mensarum irritationibus corrupti; nam hnmanissimas gentes eas esse credimus apud quos Literarum studia, quæ humanitatis fons et origo sunt, maxime viguerunt; non ea quæ vitiorum sunt delinimenta, qualia sunt porticus, balnea, Conviviorum elegantia, quæ apud

[a] in Chron: Bavariæ.

imperitos, ut ait Tacitus, humanitas vocantur cum partes servitutis sint, et proinde miror quid non parvi nominis
fol. 166. Episcopo Anglo venerit in mentem ut raros in Scotorum Gente viros doctos reperiri, in ipsius Regis Scoti principis doctissimi præsentia non veritus est asserere. Hodie infiniti sunt Scoti in omni Scientiarum genere clari et in *κυκλοπαιδεια* (ut aiunt) consummati, qui cum in Patria non magna Virtutum et Studiorum præmia expectarent, ad exteras Regiones opulentiores et potentiores profecti, magnam etiam cum re gloriam sunt consequuti, et hodie Academia Parisiensis, ut a Scotis initium sumpsit, sic et Scotos in prætio habet; aliquotq Regii Professores (qui summus est literarum Lutetiæ honos) Scoti sunt, pleriq etiam ad summum Literarʒ et Doctrinæ fastigium erecti, ut Rectores totius Academiæ Parisiensis designarentʒ. sat scio id nunquam opibus eorum aut facultatibus factum dicent. At quid aliud superest quo ad dignitates et honores poterant ascendere nisi Virtutes et Literæ non video? Ipse Polydorus in Anglia Primus Historicus, licet alioqui nostratibus non semper æquus, tamen ingenio Scotos valere asserit, et ad quascunq Disciplinas se applicuerint in eis ait facile excellere, id quod Doctrina declarat, mir7 sane hæc sunt, qui in Gallia Germania et toties in Anglia pro Literatis et doctis habemur, et a vicinis ignoramʒ, et hactenus subito sumus barbari inhumani, et omnis politioris doctrinæ expertes dicamʒ et a dignitatib: pulsemur, cum apud alios [*sic*] nationes literarum humaniorum nomine commendemʒ, et ad dignitates capessendas evocemʒ. q[d] si de literatis questio est, quem possunt vicini nostri cum Geo: Buchanano nostrate conferre, qui super omnes unus excessit, pretereo alios, qui adhuc vitales aures [*sic*] carpunt, ne in Os quempiam Laudare videar. Sed qui pertinaciores Anglorum in nostrates sunt ne quid intactum relinquant, urgere non desinunt, illud Hieronimi, qui cum adolescens in
fol. 167. Gallia esset ait se vidisse Scotos, Gentem Britannicam humanis carnibus vescentes in silvis et cum pecora affatim suppeterent, pastorum nates et mulierum mammillas in deliciis habere solitos; et quia hoc Hieronimi dictum, ita multorum animos fascinavit, ut fere nullum Lexicon, nullus de moribus omnium Gentium Liber lucem hactenus vidit in quo hoc Hieronimi dictum non pro Delphico Oraculo insertum est; Statui in eo

confutando aliquatenus sistere, nam si hæc Hieronimi Autoritas non eluatur, aliquid pro se habere videbuntur, qui nobis feritatem Immanitatem et Barbariem objiciunt, non solum etiam efferatorum hominum sed etiam plus quam belluarum est humanis carnibus vesci, sed non semper vera sunt quæ a quolibet de quibusvis scribuntur. Errorem in eo Hieronimi loco esse subolfecit Erasmus, cum nusquam alibi id Scotis ascriptum legerit, itaq. putat Hieronimum de Britannia minore sive armorica sensisse, quatenus ex actu quodam singulari (ut Iurisconsulti loquuntur) si ad universalem propositionem deducatur, credendum sit, Scholis Dialecticorum relinquo; non enim ut aiunt illi quia Scoti in Gallia pastorum nates præscindebunt [*sic*] et vescibantur, ergo Scoti in universum et in genere *ανθροποφαγοι*, nam eisdem disserendi legibus potuit Scotos quocunq. alio sceleris genere infectos concludere, cum ipse aliquot eo scelere contaminatos in Gallia viderit, omnes parricidas, quia Scotos parricidas et in exilium eo nomine in Gallia versantes, viderit, omnes Scotos Lenones, quia Lenones Scotos in Gallia viderat. Omnes coquos, quia quosdam vidit, omnes divites, quia forsitan aliquot divites Scoti occurrerant, omnes Hereticos, quia aliqui (ut ille ait) Vigilantii viri docti, et pii opiniones et Heresin quam ille vocat, sequebatȝ [*sic*], sic eo argumento, quod aliquos ipse *ανθροποφαγους* viderat, universam Gentem ea macula et contumelia non debuit vir prudens aspergere; cum nuper Londini essem incidi cum doctissimo viro Camdeno in aliquem super eo Hieronimi Loco sermonem, sed Camdenus plane mihi asseruit locum illum vitio librarii corruptum, et in Manuscriptis Libri[s], qui adhuc Oxonii visuntur varie legi nempe nunc Attogattos aliquando Cattagottos, id quod Vincentius Beluacensis ante annos plusminus quadringintos annotavit, et ita locum illum in speculum suum Historiale transtulerit, ut Cattagottos legisse videatur, Gentem nempe ex Cattis et Gothis permistis immanissimam; cum lectioni ne obstet, quod ab Hieronimo dicantur, Gens Britannica, verba illa corrupta a multis censentur, et pro Britannica Gente Tyrannicam gentem reponendam putent. Si mihi Iudicium liberum daretur, crederem Hieronymum scripsisse Scythas tyranicam Gentem, humana carne solitam vesci, nam vesci humanis carnibus Scytharum proprium erat,

[Margin: ad Hieronymi dictum Scotos *ανθροποφαγους* esse responsio.]

[Margin: *fol. 168.*]

ut apud Pomponium Melam et Strabonem legitur; cui opinioni ut facilius assentiam facit id quod a Zozimo scriptum est, qui Imperatorem Probum Burgundos, Vandalos et Barbaros cives quos in potestatem redigere poterat, in hanc insulam misisse ait, ut ibi sedes caperent. Certum est ex Historiarum fide ante hæc tempora, Gothos in Italiam irrupisse, et multis præliis a Cæsaribus victos, quorum, qui in potestatem venerant qui robusto corpore erant servire coacti, et in durissimam Servitutem traditi, quorum si qui erant fugitivi a suis Dominis, in Silvas vicinas, ut se tuerentur, si [*sic*] recipiebant, ubi fortasse inedia oppressi, ad tale genus vivendi coacti sunt; itaq; verisimile est scriptum fuisse apud Hieronymum (Gothos Gentem tyrannicam); si tamen hoc unquam Hieronymus viderat, adolescentulum ibi fuisse non est verisimile, cum ipse testetur

fol. 169. se adolescentem Romæ Grammaticæ Scholas frequentasse, cum mors Iuliani Augusti Romam fuisset allata quæ [*lacuna*] anno accidit, error perpetuus adolescentiæ comes est et timor, qui, in eam ætatem verisimiliter cadere poterat, et adolescentuli fortasse oculis nebulas objicere, ut id se vidisse crederet, quod non viderat; sed expendamus ubi hæc viderat Hieronymus; (in Gallia inquit); at Scotos in Gallia tum fuisse in eo numero,

Hieronim: in Habacuck: cap: 2: Lib: 3.

cui pastores non poterant resistere, non est credibile : cum a plerisq; vix eo tempore ex Hibernia transfretasse in Britanniam credantur. At constat, Adolescentulo Hieronymo, Scotos Iam Christo nomina dedisse, fidemq; Christianam ardentissime amplexos, et ne quid ea indignum facerent diligenter cavisse, nam Tertullianus qui Hieronymo ducentis pene annis prior erat, testatur, Britannorum inaccessa Romanis Loca, Christo vero esse subdita, et Nicephorus etiam imo et ipse Hieronymus

Lib: 6: contra judeos, et 40 Ecclesiasticæ Historiæ.

Scoti cujusdam heretici in Gallia meminit, (qui tamen revera vir erat doctissimus et in Christiana pietate satis instructus) sic enim de eo scribit, ipseq; latrat per Alpinum Canem grandem et corpulentum, et qui calcibus magis sevire possit quam dentibus; (pro Alpino Albinum ibi legendum) nam insula Albium ab Aristotile et a veteribus Albion, dicebatur, quod nomen prisci Scoti, qui se solos genuinos Scotos et quasi

cur Scotis iniquior credat; Hieronim?

aborigines dici et haberi volunt, adhuc retinent, Scotorum nomen vix agnoscunt; sed procedit Hieronimus; habet enim progeniem Scoticæ Gentis de Britannorum Vicinia, qui juxta

fabulas poetarum instar celebri [*sic*] spirituali percutiendus est clava ut æterno cum suo magistro Plutone silentio conticescat, fieri poterat ut inimicitiæ cum hoc Scoto Susceptæ, Hieronymum omnibus Scotis iniquiorem fecerit, evidens tamen ex ipso Hieronymo argumentum est, ante ea tempora Scotos Christianam fidem amplexos, et in Christiana Relligione *fol. 170.* apprime instructos, nam Scotus ille Vigilantii Episcopi Hispani patrocinium adversus Hieronymum susceperat, qui neq; relliquias Sanctorum adorandas, neq; sepulchra mortuorum colenda, ex orthodoxa pietate asserebat, quas opiniones Scotus ille verissimis et infinitis argumentis ex sacra Scriptura ut orthodoxas tuebatur. Contra hunc Scotum acerrime Hieronymus invectus est, et fortasse modestiæ fines transiliit, ne dicam odio unius in totam Gentem debacchatum. Britannia ut scribit Westmonasteriensis fidem Christi receperat anno centesimo octuagesimo quinto, et Albania sive Scotia tum suis Episcopis et ArchiEpiscopis paruit, fieri itaq; non poterat ut Christianis sacris imbuti, tam næfandum vitæ institutum sequerentur, nec Hieronymus id toti genti ascribit, qui nunquam tale quid in Scotia factum dixerit, nec unquam Scotiam viderit, sed a paucis nefariis hominibus fortasse Scotis factum, qui metu Iudiciorum, aqua et igni prohibiti ad id coacti sunt, cum nunquam tutus pateret ad alimenta paranda aditus. Hæc perpetrata vidisse se ait in Gallia Hieronymus, At Gallia, eo adolescentulo præsidiis Romanorum tenebatur; imperabant Constans et Constantius uterq; Christianus princeps Galliam magnis præsidiis et legionibus tenebant, et Iulianus licet Apostata, tamen ob publicam honestatem et populi motus compescendos, talia portenta ultore gladio vel si quid gladio atrocius est sustulisset, nec numerus timendus erat, et a solis pastoribus poterat profligari, aut si pastores non auderent, auxilium a cohortibus præsidiariis Romanorum poterant Implorare, et undiq; concursuros homines ad talia monstra delenda, Verisimile erat: cum hæc non mortuis (neq; enim mortuis cadaveribus vesci solitos dicet aliquis, qui aliquid hominis in se relictum habet) sed viventibus facerent; neq; deferri poterat ultio, cum non laterent qui talia faciebant, imo aliquid de eorum supplicio debuit adjicere Hieronymus *fol. 171.* nisi forte in tam tenera ætate se putaret vidisse, quæ non

viderat, et audita pro visis acceperat, utcunq; est non debuit paucorum nefaria facinora toti genti ascribere, ante annos decem, quum hec scriberem, constat apud Pictones in Gallia, gentem humanissimam Septem nefarios homines Gallos deprehensos, qui pro deliciis humana carne vesci in silvis, et latibulis soliti sunt, et severissimis suppliciis subjectos; quis tamen hanc notam toti Genti Gallorum, nisi calumniator, inueretret [*sic*]? Cæsar, Tacitus, Strabo, et quicunq; de rebus Britannicis scripserunt, cum ultra Caledonios etiam Arma protulissent, moresq; gentis, quæ ad Septentrionem Britanniæ habitare describerent, nihil tale posteritati reliquerunt; neq; verisimilis est de Scotis ea lectio, nam cum eo loco singularum barbarissimarum gentium singula vitia describeret Hieronymus subjicit, Scotorum Natio uxores proprias non habet, et quasi Platonis politiam legerit aut Catonis exemplum sequeretur, nulla apud eos uxor propria est, sed ut cuiq; libitum fuerat pecudum more lasciviunt, hoc vitium Scotis eo loco ascribit Hieronymus (forsan non minus falso quam prius) ut singulis Gentibus sua vitia et autores forsan Cesarem et Tacitum habuit, qui tamen Britannos nisi qui littora et meridionales prope Britanniæ partes incolant, non noverant in esu tamen humanarum carnium neminem, Erant pleræq; Gentes potentissimæ eo crimine infames. Iuvenalis notat apud Ægyptios.

Porrum et cæpe nefas violare et frangere morsu
Carnibus Humanis vesci licet.

Comment: 7° cap: 77. Immo apud Cæsarem[a] Critognati oratio extat qua suadet facere quæ eorum majores nequaquam pari bello Cumbrorum Teutonumq; fecerant, qui in oppida compulsi ac inopia subacti, *fol. 172.* eorum corporibus qui bello inutiles erant vitam toleraverunt neq; se hostibus tradiderunt, cujus rei exemplum si non haberemus (ait) tamen libertatis causa institui et posteris prodi pulcherrimum Iudicarem, hæc apud Cæsarem Critognati, ex quibus facile colligere est, Gallos olim in obsidionibus et rebus Arctis humana carne vesci solitos, in eoq; etiam gloriari, neq; hoc in Sola Gallia sed ubiq; pene terrarum ubi obsidione durissima Civitates premebantur, aut ad inopiam essent redactæ; exempla in Historiis occurrent, non quis ea probet, cum nihil non sit ferendum potius, quam ad tam detestabile facinus

Descendendum, Sed Massagetas [*sic*] parentes Cognatos et propinquos, cum ad senectutem venerint jugulatos devorabant; rectius esse dicentes a se potius quam a vermibus comedi, plura apud Strabonem ; quod si aliquid ipsi vellem in hac disputatione mihi arrogare, scribendum ut ante dixi putarem pro (Scotos Gentem Britannicam) Scythus Gentem tyrannicam, nam nulla pene differentia in Prolatione cum v græcum sæpe pro o latinum offeratur; et apud ipsum Hieronymum in proœmio in primum Commentariorum in Hieromiam, hæc ejus sunt verba; nec recordatur stolidissimus et Scoticorum pultibus prægravatos nos in ipso dixisse opere, etc.: ubi male nonnulli impressi Libri, habent Scythorum pultibus, nullo sensu, nam Hieronymus alludit ad Locum Dionis, qui Britannos in Septentrionali Insulæ parte certum cibi genus parare ait, ad omnia, quem si ceperint, quanta est unius fabæ magnitudo minime esurire aut sitire solent, et alibi manifestus error est in Epistola ejus ad Tesiphontem adversus Pelagianos, hæc ejus sunt verba; et ad extremum quod solet nobis objicere contubernalis vester Porphirius, qua ratione clemens et misericors Deus ab Adam usq; ad Mosen, et a Mose usq; ad adventum Christi, passus sit Universas Gentes perire ignorantia legis et manda- *fol. 173.* torum, neq; enim Britannia fertilis provincia Tyrannorum et Scoticæ gentis [*sic*] omnesq; usq; ad oceanum per circuitum barbaræ gentes Mosen Prophetasq; cognoverant, hic male et contra scribentis mentem quidem Libri habent Scythicæ gentes cum manifestum sit Scoticæ scribendum neq; enim tum neque etiam adhuc, Scythicæ gentes Mosen et Prophetas agnoscunt, quod [*sic*] conjecturam sive emendationem nostram in illis versibus fflori in Adrianum Cæsarem confirmat, quod si Gentium omnium mores et instituta vetustissima diligenter indagemus, et de Scotis hæc pertinacior quis intelligit, rara gens erit, quæ non aliquando indigna humano generi faciebat, Gallos marium concubitu delectari scribit Aristoteles in Politicis quod Gens hodie Sanctissima, quam maxime aversatur et damnat, Germani Nobiliores multitudinem uxorum alebant, ut Tacitus refert, et humanis hostiis morti litabant; ipsi Britanni deni duodeniq; uxores commune habebant (ut testatur Cæsar) quod de Britannis meridionalibus tantum intelligunt, quorum mores tantum Cæsari annotaverant [*sic*] Immo Cæsaris autoritate con-

firmat quod in Iure Canonico habetur. Lusitani Marti captivos immolare, et ex eorum extis, futura discere solitos, scribit Strabo, sed piget in hoc luto dutius [*sic*] immorari: satis constat nunquam in Scotia tale quid factum, neq; est quisquam, qui id memoriæ prodidit. Si in Gallia fortasse nefarios homines ad inopiam redactos viderat, adolescentulus Hieronymus, continere tamen se debuit, ne id toti Genti ascriberet, dum suppliciorum metu ad Silvas confugissent, talia facientes; nam id Hieronymo adolescente circa annum 340 aut quadragesimum sextum contigit. Rari tum in Galliis Scoti erant, ut impune
fol. 174. talia auderent aut possent; sed multa Hieronymo ascribuntur quæ sunt *ψευδεπιγραφα* ut annotavit Erasmus, Sane Hieronymus, ut in ejus vita occurret Adolescentulus Galliam non vidit, matura ætate eo profectus totam eam peragravit: Unum illud Chrisostomi testimonium, Scotos ab hac infamiæ nota liberat, qui proximus ad Hieronymi tempora accedebat, nam creatus est Constantinus Episcopus anno 398 decem ante Hieronymi obitum annos, cujus hæc sunt verba; quoties in Britannia humanis carnibus vescebantur nunc jejuniis animum reficiunt, ubi quod Scotis peculiariter ascribit Hieronymus, id illi [*sic*] omnibus Britannorum Gentibus attribuit, seu quod potius credo tacite sententiam et Iudicium Hieronymi sugillat; nihil enim verisimile habet, ut in eodem seculo Scoti et carnibus humanis vescerentur et jejuniis et præcibus corpora marcerarent [*sic*]; sed de his satis; et dabit mihi candidus Lector veniam ut, quod Genti innoxiæ inuritur Scelus, diluerem paulo longius diverterim, cum sciam nullam hodie Gentem, quæ magis ab hoc nefando scelere abhorreat. Est sane Scotorum animus in exteros humanissimus, inq; miserationes si qua de re juvare poterit, facillimus tantum abest ut tantum nefas agnoscat; sed habet et suos nævos, Hieronymus, de quibus alii, ego ad institutum hujus fælicissimæ et utilissimæ conjunctionis et Unionis redeo.

An nominis præsentis mutatio et prisci assumptio sit ex necessitate Unionis.

fol. 175.

CAP. 9

In hac Unione perficienda et consummanda videndum de communione nominis, an e re Britanniæ commune utriq; Genti et patriæ vetus nomen potius sit, quod Polybius in unione Achæorum intervenisse scribit; An vero Angliæ et Britanniæ nomina adhuc retinenda, et sunt qui putant utrumq; posse retineri, exemplo provinciarum Gallicarum et Regnorum in Hispania, deniq; et aliarum conjunctionum quarum antea meminimus, nam in trium Aquilonarium Regnorum conjunctione, tria diversorum Regnorum nomina manebant; ut et Poloniæ et Lithuaniæ et omnium Belgii provinciarum nomina adhuc stant immutata; sed alii aliter censent, et aliud longe esse de duobus Angliæ et Scotiæ regnis, quam in prioribus; nam hodie Hispanus, omissa Regnorum suorum enumeratione, Hispaniæ solius titulo contentus est, et Castellæ, Arragoniæ et Lusitaniæ nomina non ut Regna numerantur hodie, sed ut provinciæ, et in Hispania rara inter Lusitanos et Castellanos fuerunt prælia, unum si recte memini apud [*lacuna*] excipio. Inter Regionenses Astures sive Gallecos et Castellanos, rariora Inter Castellanos et Arragonios, nulla quæ justa prælia dici possunt. Belgii perpetua fœdera inter omnes ejus provincias erant, quod idem de Galliæ provinciis sive Regnis dici potest, nam quatuor alioquin erant Galliæ Regna, hæc tamen omnia sic vetusta nomina retinent, ut potius nomina sunt provinciarum, quam diversorum Regnorum; sed inter Anglos et Scotos tam atroces inimicitiæ, tam cruenta prælia intercesserunt, toties alterorum sanguine contacti, odia tam vetusta, tanto tempore confirmata, immo et novis odiis et occasionibus continuis aucta, ut novo aliquo et arctiore Vinculo opus sit, ut præteritorum memoria ex animis hominum auferatur; quod vix est sperandum, quamdiu utriusq Gentis nomen in pristino honore et Dignitate permanebit. Tollenda itaq; præteritarum

Quid Polybius in Unione Acheorum intervenisse scribit.

fol. 176.

omnium offensionum recordatio, et ne quid alterum populum Lacinare possit, sepelienda; et cum odiis odiorum nomina, præcipue cum in hac animorum conjunctione amicitiæ et perpetuæ pacis vincula quærantur. Sed nonnulli, quibus nulla ex honesto spes et publica mala sæpe in occasionem trahuntur, magnis objectionibus hanc Nominis Mutationem oppugnant.

Prima vicinor7 nostror7 objectio contra nominis mutationem.

Nam (inquiunt illi) magna debet esse vel utilitas, vel saltem probabilis ratio, ut vetus nomen mutetur, in quo mihi aliquid ex veteri animorum exulceratione retinere videntur, et multum a candore illo Sanctissimi Regis, Edvardi 6^{ti} et Procerum Anglorum abesse, nam cum fraude pontificiorum tabulæ Nuptiales inter eum et Serenissimam Principem Mariam, tum Regni Scotiæ hæredem, magno cum nostro malo ruptæ fuissent, et Angli promissa armis repetentes, ingentem exercitum in Scotiam, Duce prorege, induxissent, cui cum pari exercitu stipatus Scotiæ prorex occurrisset, antequam pugnaretur bis ad nostros literas Anglorum Duces dederunt, ut æquis conditionibus ab armis recederetur, sed tanta tamen Nostrorum fuit arrogantia, ut literas illas ne proceribus quidem exhibitas Ecclesiastici aliquot prælati (qui tum omnia in Consilio poterant) curaverant supprimi; magno itaq, prælio nostri victi,

fol. 177.

Edwardi 6. et ordinum Angliæ ad Scotos epistola Suasoria de nominis muta^o^ne.

cum ex veteri pertinaciâ nihil remitterent, misit Edvardus Rex cum consensu proregis et omnium Angliæ ordinum, Literas omnis humanitatis et officiorum plenissimas, in quibus ut utrumq, Regnum in amicitia et benevolentia concresceret, Matrimonia a principibus incipienda, ad ultimos ordines offerebant, et ne Unionem possit impedire veterum odiorum sub nominibus Anglorum et Scotorum memoria nomine Anglorum paratos se dicebant abstinere deposito Victoriæ nomine et commune utriq, populo Britannorum nomen amplecti, ea erat Scribentium modestia ea animi propensio ad utrumq, Regnum in uno conjungendum, ut positis veterib⁹ Scotorum et Anglorum nominibus tanquam hostilibus antiquissimum et utriq, Genti proprium nomen Britannorum, communi consensu induerent; at tum erant Victores Angli, et omnem cis fforthanam Regionem præsidiis pene occupabant; quæ ergo hæc est pervicacia, ut quod cum fflorentibus Angliæ Rebus, et nostris non valde prosperis, tam bis obtulerunt, id hodie recusent? an auctius illis et latius hodie imperium est, quam tum fuit? non

dicent (ut opinor) An nostræ res magis accisæ, nec hoc quidem, nam nos et nostra recuperavimus, et illis Caletum sive Icinum et Bononia erepta sunt: Superest ut vel se plus sapere, quam patres, aut magis obstinatos sive pervicaces, plusq priscæ acerbitatis retinere dicant; quorum alterum arrogantiæ est, alterum imparati adhuc animi; nostri sane, cum sibi negari vident, quæ prius a victoribus offerabantur [*sic*], contemni se credent, cujus nostri sunt impatientissimi. Sed in nominis mutatione objiciunt, vel presens debet esse necessitas vel evidens utilitas, quæ eam moveat, sed nulla necessitas premit, cum presenti *fol. 178.* rerum statu sint contenti, nec aliquid [*sic*] ex hac nominis mutatione utilitatem orituram vident, quid aliud est præsenti rerum statu Contentos esse, quam placere, ut duo hæc Regna distracta et hostilibus odiis imbuta permaneant? at evidens hic est, cum necessitate utilitas conjuncta, necessitas, ut unius unus sit principatus, ut Britannia tota ex partium coitione redintegretur, ut cor unum omnibus Britannis, et unus animus sit, sive ad inferendum bellum, sive propulsandum: nam quamdiu hæc nomina integra et intacta remanebunt, tam diu odia, ex levissimis occasionibus, recrudescent, dum alteri gloriam suam minui, alteri contemni nolint, hodie enim a puerilibus certaminibus, cum in factiones se dividunt, alteri Anglorum alteri Scotorum nomine [*sic*] induunt, ut significent se pro gloria suæ gentis ad internecionem certaturos, et Angli cum Liberos suos in sagittarum usu exercent, et ad metam collimanti sic liberos solent animare, en illic est Scotus, fige eum, et quot Iacula in Pharetra quisq gestat, tot Scotorum mortes se circumferre jactitet; si odiorum nominibus et cum nominibus odiis pueri utrinq adhuc a teneris annis imbuantur, quid nisi perpetua odia, etiam a teneris unguiculis (ut aiunt) recrudescent? nulla itq [*sic*] major necessitas populis potest incumbere, quam ut scissum Britanniæ imperium, et suis viribus laceratum, aliquando possit partium conjunctione restitui. An si seditione Anglia laboraret in duas factiones distracta, et utraq pars numero et viribus suis confideret magniq motus expectarentur, necessitas diceretur, ut calamitates seditionum avertantur; aliquid utriq factioni indulgere, utrisq ut antiquo nomine vere subditi Regis in posterum existimentur? an non hoc facto condonarentz, ut eisdem nominibus utriq appellarentur, *fol. 179.*

de necessitate et utilitate nominis mutandi.

iisdem privilegiis fruerentur, et ut omnis illius seditionis et rebellionis memoria extingueretur, quam severissime cavebunt? quod in una sui parte ex necessitate facere non recusarent, Vicini Nostri Id in tota Britannia pacanda non ferent, si hostes in Insulam imminerent, aut bellum aliis esset Regibus inferendum, Natura et ipsa necessitas requireret, ut omnia prius domi componantur, quam in alienas provincias exercitus transportentur, ut sua prius in tuto sint, quam aliena invadant, et ut pax domi sit, quam in Gallia vel Hispania bellum; et prius Britannis omnis mali timor adimatur, quam aliis inferatur. Itaq; si usquam in rebus dubiis ulla fuit necessitas, sane hac nominis communis renovatione, ut in futurum fraternis animis uterq; populus jungatur, et eosdem amicos et hostes habeat, nihil prius neq; potius. de utilitate nominis immutati mox dicemus, quanquam ubi necessitas movet, comes semper esse soleat publica utilitas. At exemplo destitui putant, qui hanc nominis commutationem urgent, neq; aliquo vel externo vel Domestico juvari, nisi quod in conquestu fateantur nomina Regionum solita mutari, et hic relliquias acerbatorum animorum video, et qui perpetuæ Britanniæ fælicitati invideant; nam in Conquestu, Victoris populi sive ducis nomen solet assumi, idq; dedecus victis imponi, ut in nomen victoris transeant, quod non sine perpetua animorum exacerbatione fieri solet, et occasionem novandi res sæpe præbet; cum in ea conjunctione, quæ ex successione contingit, nomen mutatur, non in nomen Victoris populi transitus fit, sed in nomen, quod utriq; Genti sit commune, in quo non minus uni quam alteri favetur; itaq; ea ratio pro conjunctione potius militat quam in conquestu, tamen ut res exemplis omnium fere Gentium, et etiam domesticis confirmetur: Narrat Livius in eo bello quod inter Turnum Rutulorum Æneam et Latinum hunc Aboriginum illum advenarum Teucrorumq; Reges gestum est, Cæso in bello Latino Rege cum turnus ad Mezentinum [*sic*] et et [*sic*] Hetruscorum opes tum florentissimas confugisset; Æneas qui Laviniam Latini Regis filiam unicam et Aboriginum Regni hæredem in conjugio habebat, adversus tanti belli terrorem, ut animos Aboriginum sibi conciliaret, sub eodem essent omnes nomine voluit, et Latinos utramq; Gentem dixit, quo facto Aborigines fide et studio erga Æneam Trojanis non cesserunt,

Utrum nominis mutatio exemplo careat.

fol. 180.

adeo ut suis copiis non diffisus, Æneas, cum mœnibus se tueri possit, in aciem procedere ausus, commisso prælio, victor evasit. Multa in hoc exemplo memoria sunt dignissima, primum principem prudentissimum, utriusq; populi pari fide et studio se uti non posse credidisse, nisi extinctis prioribus nominibus in unum nomen uterq; coalesceret. Secundum quod ipsi populi uno nomine jam appellati fraternos etiam animos induerent [*sic*], et pari studio et fide principem tam domi quam militiæ coluerunt. Tertium quod Hetruscorum populi longe potentioris (qui tum Italiam a summo mari ad inferum tenebant) opes fæliciter sustinuerunt et profligarunt; adeo sub communi nomine, consociatis animis utriusq; populi, potens fuit hæc conjunctio; puto ego non ovum ovo non lac lacti similius esse, quam hoc exemplum nostræ controversiæ. Idem fere in Romanis et Sabinis, nam cum æquo fœdere in amicitiam convenissent, ita dignitatem nominis inter se partiti sunt, ut urbis Romæ vetus nomen maneret, populus tamen uterq; Quirites a Curibus Sabinis diceretur, quod et perpetuo mansit et 30 Curiæ a Curibus dictæ, quibus tota Respub: utebatur. *fol. 181.*
Aliud de Albanis qui in Romanorum nomen transierant, quoniam ex pacto convento victi in Ditionem venerant, inter Romanos et Latinos qui Lingua, moribus, armorum genere, et militaribus institutis convenirent, Latini Romanis in Imperio cupientes æquari, ut ex duobus populis unum Reip: corpus efficeretur, utrum etiam Commune nomen utriq; populo desiderabatur L. Annius Latinorum tum prætor, cum in Senatu Romano Imperii societatem maxime urgeret, nomen unum utriq; populo assumendum censebat; et cum ab altera parte concedi de nomini [*sic*] communi necesse esset, prior obtulit, ut Liv: lib: 8. Decad. I.
uterq; populus in posterum nomine Romanorum vocetur usque adeo unius nominis assumptionem ad perfectam et consummatam Associationem necessariam credit. Virgilius de Italia

> Tum manus Ausoniæ et Gentes venere Sicanæ
> Sæpius et nomen posuit Saturnia Tellus.

Nunc Ausonia nunc Œnetria, nunc Hesperia, nunc Italia dicta, cujus varias appellationes, qui quærit, legat Dionysium Hallycarnasseum; immo ut ex Polybio antea recitavi, Lacedemonii Arcades et omnes alii, Peleponesiorum populi, in nomen

Acheorum transierunt; ut unum populum unum Consilium cum eis efficerat [*sic*]; sed vætusta hæc sunt, et ex hominum memoria antiquata, fallor ego si ullam inter Europeas Nationes gentem inveniam, quæ non ex duorum aut trium populorum conjunctione nomine [*sic*] mutavit; Hungaria ab Hunnis et Avaris occupata, Hungaria quæ prius Pannonia dicta est, Bavaria ex Boiis et Avaris quæ antiquitus Vindelicia; Cattalaunia sive Gotholonia ex Gothis sive Cattis et Alanis, ipsa etiam Alemannia veteris Germaniæ nomen non retinuit, nec ulla in Europa hodie Natio est, quæ nomen suum non mutavit, Galli antea dicti hodie ffranci dicuntur, nec in vulgari Lingua quisq; Gallus dicitur sed Francus, sic in Germania. Sed ut ad eorum Regnorum conjunctionem quæ ex successione provenerat veniamus, Hispaniam primum consideremus. Everso (ut dixi) Gothico in Hispania Regno ejus Relliquias Pelagius collegit et tandem Asturas qui hodie Galleci dicuntur occupavit, Regnumq; ibi constituit, ejus filiam Oruiseldam (nam Frasila filius brevi regnavit) cum Alfonsus cognomento Catholicus duxisset, Legionis etiam Regnum sibi subjecit, tam Galleciæ quam Legionis Rex factus est, et in ejus posteris tria hæc Regna continuata usq; ad Veremundum Legionis Regem. In Castella adhuc tantum Comites erant quasi Iudices, sed cum πολυκοιρανια despliceret [*sic*], primus Sancius vel ut alii putant ejus filius fferdinandus primus Regium nomen assumpsit, qui cum Sanciam Veremundi Regis Sororem et Hæredem duxisset, in Tria Regna successit; Galleciæ, Legionis, et Castellæ; ea tamen infelici successu inter filios testamento divisit; sed cum rursus sub fferdinando tertio coaluissent, isq; sciret Regnorum divisionem, et incolis et Christianis, qui tum asperrima bella cum Mauris gerebant, maxime damnosam, cavit, ne unquam hæc Regna postea distraherentur; sed ut unam Monarchiam efficerent, ac cum in titulis unius ex Tribus Gentibus quibus præerat offensionem vereretur, nec hi illis se postponi paterentur, Castellaniq; potentiam et Opes Legionenses et Galleci antiquitatem (cui dignitas et prior honos semper debetur) prætenderent, aliam componendarum harum difficultatum rationem non reperit, quam ut commune omnibus tribus Regnis nomen indueret, Hispaniæq; se Regem diceret, cum tamen vix ejus tertiam

Recentiora populorum qui nomen mutavere exempla.

fol. 182.

fol. 183.

partem in Imperio haberet; graviter ad id frementibus et indignantibus reliquis Hispaniæ Regibus, Arragonio, Lusitano, Navarro et cæteris, qui reliquam Hispaniam tenebant; et apud Pontificem Romanorum de hac injuria conquerentibus, Castellanum jam tam [*sic*] Hispaniæ Monarchiam quasi sibi debitam vendicare et titulum in eorum prejudicium totius Hispaniæ sibi arrogare, et cum ille neq diffiteri, neq aliter excusare factum poterat, hoc prætextu visus est tres illos populos de dignitate aliis non cedentes, aliter nisi sub communis nominis appellatione in officio contineri non posse. Gallia bis ut dixi in quatuor Regna recessit, toties rursus coaluit, neq Parisiorum, licet his aliorum Regna accreverant, neq Aureliorum neq Suessionum, neq mediomatricum sive Metensinum [*sic*] nomen agnoscere voluerunt, licet ffranciæ Regna essent, seu potius provinciæ, sed rursus Commune Gentis et antiquum nomen ffrancorum induerunt. Helvetii hodie relicto prisco nomine, Suetzieri dicuntur a minima Gentis totius civitate, quod in ea de se in Libertatem asserendis, et a nobilitatis et procerum injuriis tuendis conspirassent; Turcæ omnes Incolas provinciarum quas sibi subjiciunt Musselmannos vocant, veteri instituto, ut eosdem uno nomine et uno vinculo et sibi et inter se vinciant et conjungant. Domesticum unum adhuc exemplum adducam, Saxonum Duces ut quisq partem Insulæ occupavit in ea Rex dici voluit, et sic Heptarchia instituta est, cum reliqua partim bello partim successione partim voluntaria deditione (nam Northumbrorum Regnum voluntarie in ejus ditionem cessit) Egbertus Rex West Saxonum sibi subjecisset, a nomine West Saxonum *fol. 184.*
tamen abstinuit, licet ejus Regni opibus, reliqua acquisivisset, sed ut omnes Saxones uno amicitiæ vinculo alligaret, Anglorum nomen, qui neq dignitate, neq Virtute cum Saxonibus comparandi erant, omnibus imposuit: satius existimans communi nomine licet novo et minore famæ et dignationis, omnes suos populos devincere [*sic*], quam presenti Saxonum appellatione, quam omnes sibi sed cum adjunctione poterant tribuere, contendentes inter se relinquere. Est itq [*sic*] Anglia ea meridionalis insulæ pars dicta circa annum Domini [*lacuna*]; meminit quidem Tacitus Anglorum, sed meminit tantum quasi aliud agens et per transennam (immo locus ille suspectus valde est, nam

in Antiquis libris non Angli sed Anglii sive Angrii legitur) et sane Locus ille Taciti de nostris Anglis intelligi non potest, cum Angli maritima gens fuerunt Saxonibus vicini, nec possunt inter Sueuos quæ interiora Germaniæ et mediterranea colunt numerari; Verisimilius est Angros sive Angriuarios originem Anglis dedisse nam Angrivarios a fronte excipere ffrisios scribit Tacitus, et necesse sit [*sic*] Gentes eas, quæ Britanniam sub Hengesto invaserant, Maritimas fuisse, et Piraticum ante exercuisse constat; putat Minsterus Anglos dictos ab Angra Civitate non magna Saxoniæ vicina, cujus neq; opes neq; virtus cum Saxonibus erat conferenda. Nostri Scriptores Angliam ex Engesto, qui primus ex Saxonibus in ea Regnavit nominatam volunt, sed Minsterus habet pro suo Authore vetustum poetam Gotfridum Viterbiensem, cujus hi sunt versus.

Orsus et Hengistus, socia regnante Sorore,
A modo majore funguntur ubiq; favore
Insula tota favet Regna quieta manent
fol. 185. Brito timet factum quia Saxo tenet Dominatum
Ne sibi privatum [*sic*] reputet vincendo paratum
Vendicat Imperium Saxo Labore datum
Viribus Angrorum cæpit male terra gravari
Nomine vulgari datur Angri terra vocari
Illud et Angrorum nomen ab urbe trahunt
Moribus et lingua victoribus assimiletur
Angria perpetuo victore vocante vocetur
Angria dicta per R tunc ibi non erat L
Gregorius Papa cujus Baptismate pollent
Nomina dans dedit L prius R de nomine tollens
Sic velut Angelicos Papa vocavit eos.

Angli itaq; vel ab Hengesto quasi Hengisti terra contracta ob euphoniam paululum et mutescente voce; aut ab Angra Civitate non magni nominis dicti sunt, sed cum egregia essent forma ut sunt adhuc fere omnes, Papa Gregorius Anglos quasi Angelos dixit, ut etiam habetur apud Polydorum; itaq; a Gregorio papa Angli pro Angris dicti, quod manifeste locum illum Taciti corruptum arguit et ego, si conjecturis locus est, ab illo Gregorii dicto nomen Anglorum assumptum puto ab Egberto. Non desunt qui a Danis cum Angliam occupas-

sent, et gravissimis tributis onerassent, Daniam eam dictam putant, unde et Danegild et Danezatio sive Denzatio in eis, qui Danorum privelegio gaudent; aut aliud ejus vocis etymon, vicini nostri reddant. Certe occupata ea Conquestor, Normanniam magnam, sublato veteri nomine, appellare instituit ut meminit Caredocus Walliæ Historiæ scriptor, et fecisset nisi bellum inter Philippum ffranciæ Regem et eum ex levissima causa intercessisset, et metueret ne quia Normannia prior fiduciaria esset Regis ffranciæ provincia, idem *fol. 186.* de nova sua Normannia homines existimarent. Certe vetera Anglorum Regum insignia sustulit, quæ ut fert fama tres erant Sturni, (unde et Stirlina moneta) et Normannica nempe tres Leones sive Leopardos substituit, itaq; neq; valde antiquum, neq; usq; adeo celebre est Anglorum nomen ut Antiquitatis Dignitate possit cum Scotis contendere, ut de ejus mutatione tam solliciti sint vicini nostri; fateor postea rebus in Gallia Italia et Hispania fæliciter gestis clarissimos evasisse, nec est in Europa Gens rerum gestarum gloria Anglis hodie clarior, si eadem res partas, qua peperant [*sic*] felicitate, retinere potuissent. Expendant etiam secum serio quo modo Britannia vetus nomen amiserit, nomen Angliæ induerit, et quibus artibus Hengistus Nobilissimos Britannorum procerum ad colloquium evocatos, sustulerit; recte sáne fecerint si præsentem occasionem amplexi uno nomine totam insulam comprehendi patiantur, ut suppressis odiorum et scelerum nominibus et monumentis, cum memoria, sub uno aliquo communi nomine, uterq; populus in posterum coalescat; quod quale esse possit, nisi vetustum illud et ab omnibus scriptoribus celebratum Britannorum nomen non video. Quæ enim hæc dementia est, cum possint a tota Insula, ab ejus parte malle appellari, cum honorificentius longe sit et dignius a tota Insula nomen assumere quam ab ejus parte, quod si res ipsa nempe Regnorum horum duorum Unio placeat, et nemini viro bono placere non potest, cum secum adferat perpetuam quietem et securitatem, cur a nomine, quæ nota Unionis est abhorrere debeant non video. Nunc de utilitate assumendi communis nominis pauca *fol. 187.* adjiciam, ita tamen ut utilitates duorum Regnorum Conjunctionis in suum Locum differam, prima itaq; est hæc, quod omnium præteritarum offensionum perpetua oblivio utrinq;

de utilitate mutationem nominis sequetura [*sic*].

induceretur, nam cum firmam vel potius adamantinam concordiam in perpetuum stabilitam posteri perspexerint, quærent rationem, cur Angli Britanni dicti sunt, respondebunt alii, ut odia acerbissima, quæ inter duas ferocissimas Gentes tot annis continuata sunt perpetuo de hominum memoria obliterentur, cui proximum est ut omnes Britanni communis patriæ memores se in bonis rebus et malis pariter amplectantur, et tueantur, ut inimici aut æmuli non omnino malæ indolis, si candide reconciliati fuerint, si fideliter iras videantur posuisse, beneficiis certabunt, et mutuis officiis et humanitate se invicem prosequentur; immo et multo benevolentius, quam si nunquam, inimicitias exercuissent, ne crescendi Virtute et vera Gloria æmulo occasio detur. Tertium quod facilius uni populo imperare, obsequia exigere, utrisq; se ex æquo præbere, totam insulam peragrare, odia et simultates compescere, Amicitias et mutuam benevolentiam conciliare, communis utriusq; populi Dominus possit.

Ego quidem fateor verissime dici, in dignitatibus ejusdem generis, Antiquiorem preferri etiam minus potentem, sic enim expresse in jure statuitur, et apud ipsos Anglos etiam observatur et recte apud Plutarchum Eumenes, qui cum toto Regno ab Antiocho esset exutus, et in Castro quodam obsessus, cum ad Antiochum evocaretur ad Colloquium, venire recusabat, pari se in dignitate, cum Antiocho constitutum dicens nec quamdiu gladium teneret ad ullum Regem tanquam priorem venturum, si quid Antiochus Secum vellet ut ad se veniret. Si quis dicet hanc novi nominis assumptionem, novi Regni esse institutionem, cum Rex duobus Regnis succedit vanum et illud est, nam sic nova inauguratione, novo fidelitatis sacramento opus esset, et Regnor7 de novo instituendorum soli Imperator et Pontifex maximus potestatem sibi arrogant; at ut Rex a se creetur, aut ut quis sibi Autoritatem præbeat et sui juris sit Author, absurdum in omni Iure est, et ab omni ratione alienum cum nemo sibi Autoritatem nisi Deo ei data sit, assumere possit, et in Iure canonico se ipsum ut aiunt Baptizare nemo potest, itq; [*sic*] nullum hic novum Regnum institutum quis vere arguet, cum qui instuat [*sic*] aut instituere possit nemo sit. Est hæc in utrumq; Regnum successio

Lib: I: C: de Consulib:

fol. 188.

secunda objectio contra nominis Britannici assumptionem.

priorum continuatio potius et distractarum partium restauratio quam novatio; et per hanc continuationem utrumq, auctius et honorificentius fit; nam ut Iurisconsulti tradunt Res omnis [*sic*] cum sua causa et qualitate transeunt, sic si virtuti Anglorum et Dignitati Scotorum Regni antiquitas accedat et cumuletur, utriusq, regni nomen fælicissima in antiquum Britannorum nomen transitione, apud omnes Gentes clarius et illustrius reddetur; sed quoniam eorum qui fælicitati Britanniæ invident, omnes machinæ et argumenta ab hoc uno capite pendent, Regni ne nova sit Institutio, hæc nominis mutatio et novationem inducat, an non altius paulo ab ipsis fundamentis repetemus.

Quid sit nov7 quid antiqu7 Regnum.

Novum dicitur, quod prius in Natura non fuerat et omnis nova est prioris obligationis sive rei in aliam transfusio, ut prior obligatio omnino e rerum Natura tollatur, et in novam *fol. 189.* transeat, at quis in hac nominis mutatione dicet Angliæ Regnum omnino sublatum et in novum transire? cum Angliæ Regnum longe potentius, longe Auctius longe honorificentius exurgat, quam antea fuerat; quis enim injuriam alicui fieri dicet, si præterito patris nomine ab avo cognomen indiderit; aut si Scipionem juniorem majoris filium dicat, licet tantum nepos adoptivus fuerat. Apud poetas et Historicos Æacidarum nomen ad omnes Discendentes pertinet, sic Ajax et Achilles Æacidæ dicuntur, licet Æaci tantum nepotes: et Israelitæ omnes Hebrei ab antiquo Heber, qui Abrahamum longe præcesserat. Sic Spartanorum Reges Heraclidæ, sic Athenienses Cetropidæ [*sic*] dicti ab antiquo utriusq, Gentis seu conditore seu Rege. An cum in Regna Legionis Galleciæ et Castellæ sive Sanctius sive fferdinandus successerat, novum Regnum institutum est, an potius priora Regna veteri suo nomini ex parte restituta? an cum his tribus Regnis, alia tria aut quatuor accesserant, Arragoniæ, Valentiæ, Navariæ et nuper Granatæ et Lusitaniæ et generale Hispaniæ nomen assumptum, novi Regni institutio merito et cum Ratione dici possit? Sed ut omnia luce meridiana clariora sint, distinctionem quandam adducam ex jure feudali, quia feudum in novum et antiquum sive paternum dividitur; Novum feudum id Doctores definiunt, quod quis sibi acquisivit, sua opera vel pæcunia, de quo etiam testari potest, ut Conquestor fecerat, cum præterito

de novo feudo et antiquo ex jure feudali.

primogenito Roberto, Regem Angliæ Gulielmum Rufum *fol. 190.* testamento instituit. Antiquum autem sive paternum dicitur quod a majoribus ad quempiam discendit; sic Normanniam a parentibus acceptam et proinde feudum antiquum Roberto primogenito reliquit Conquestor; utrum igitur in hac nominis mutatione, Regnum Angliæ serenissimum principem sua opera acquisivisse, an vero in illud successisse dicemus? si successit non jam novum feudum est sed antiquum et ab origine incrementum et dignitatem capit. An novum feudum dici potest in quod ex jure majorum quis succedet? nemo ut opinor sanus existimabit, ita neq; hæc in utrumq; Regnum successio novi Regni institutio aut Regni novatio, sed antea distracti cum antiquo nomine in pristinam et antiquam dignationem restitutio. Hoc de novi Regni institutione, aut Regni novatione, argumento everso reliqua omnia, quæ illi tanquam fundamento innituntur ex se corruent, tanquam futilia, quale est illud, Contractus qui cum exteris sub nomine Regis Anglorum sunt ex mutatione nominis eludi, quod cum solo Anglorum Rege, qui jam nullus est Contractus fuerat interpositus, sed cum de personis contrahentium constet, et res eædem et causæ maneant, frustra ex mutatione nominis tergiversatio queretur.

Extat in Iure civili titulus de mutatione nominis, in quo expresse deciditur, mutationem nominis ubi de persona constat præjudicium nemini gignere, an si quod Scoto quis debet, si ejus hæres in Gallia vel Normannia habitaverit debitor obligationem eludet, quod Scoto sive Britanno et non Rothomagensi promiserit: sed ego fallor, aut nulla erit vicinarum Gentium, quæ non supplex renovationem priorum Con- *fol. 191.* tractuum a tam potentis Regni Domino tot affinitatibus pollente petet. Simile est illud quod Angliæ Regnum, dignitatem et prælationem, qua eminebant inter cæteros Europæ Reges, hæc novatio minuet, imo potius augebit, et quod ex se Anglia antea non habuit, jam Scotiæ accessione Regni longe Antiquioris immo in Europa antiquissimi consequetur, nam in Regnis et dignitatibus ejusdem conditionis, nempe superiorem non recognoscentibus, Antiquitati semper debetur prior honos, ut ante dixi, non opibus non potentiæ, quod etiam apud ipsos Anglos observatur constantissime, præcipue si ejus dignitas,

Tertia objectio de prærogativa Anglie amittenda.

nova potentia nova dignitate, cumulabitur. An vero Angli reliquis Europæ Regibus in consessu præferantur, et sic prærogativam possunt Vendicare, viderint illi; certe in Œcumenicis conciliis in quibus omnium Regum legati solent adesse, controversiam intercessisse sæpe accepi de loci sive dignitatis prærogativa inter ffranciæ et Hispaniæ Legatos utri præferendi, cum ffrancus primogenitum Ecclesiæ se, Hispanus se Augustiore nomine Catholicum Regem diceret, et opibus longe priorem, an ab his duobus aut eorum altero Anglorum Legatis cessum sit? dubito. Sane Galliæ Rex Anglo antiquior in dignitate est, et proinde merito sibi prærogativam potest arrogare, non tamen Scotorum Rege ut postea demonstrabimus. At si de prærogativa supra Regno sive Rege Scotiæ sentiant, rogo quando hæc prærogativa nata est? quis primus eam sibi Assumpsit, bello ne an pace parta hæc prærogativa est; nam bello peperisse non dicent, cum quod Gloriari de nobis bello possint non habeant, si pace quis dedit, quis assumpsit? Contractu ne an pactionibus prima hæc prærogativa usurpata est? At inquiunt hoc generali nomine prioritatem Angliæ, *fol. 192.* quam antea super Scotia habuit tolli. Respondeo Scotos non minus Sollicitos esse de dignitate veteri retinenda, quam Anglos, neq̃ unquam in ea voluerunt Vicinis cædere [*sic*], nam sive in conciliis publicis aut consessibus aut Regum externorum curiis, nunquam Scotorum Regis legati Angliæ Legatis cedebant in Dignitatis prærogativa, sed semper de ea controverterent [*sic*], adeo ut sæpe necesse fuit, vel Regibus vel patribus hos vel illos in sequentem diem differre.

Habent Scoti quo se possunt tueri, nempe quod Reges essent Scotorum multis Seculis ante Egbertum, qui primus Rex Anglorum dictus est circa annum Domini Octingentesimum et paulo supra; ut ex Polydoro et aliis Anglorum Historiis constat, et ante Heptarchiam Institutam, immo et ante ipsum Hengistum, qui primus Saxonas in Britanniam magno hospitum malo adduxerat. Itaq̃ si ex Legibus disserendi res ageretur, Sic Scoti possunt concludere inter eos qui in dignitatibus paris gradus constituti sunt, is præferendus, qui prior dignitatem adeptus est; Reges Scotorum et Anglorum cum Sint in dignitatibus ejusdem gradus et conditionis, ut neuter Superiorem agnoscat, ergo ei qui priori

Scotorum Reges tempore priores Anglorum Regib9.

Lib: 1: Cod: de Consulib:

tempore constitutus Rex est, primus debetur honos; propositio constat ex jure cujus verba antea adduxi, quis enim ait Imperator per interrogationem prior esse debet in uno et eodem genere dignitatis, nisi qui prior eam adeptus est, sic, inquit Imperator Leo, sedes prior ante [*sic*] provectis et locus conspectior decernendi loquendiq; facultas antiquior, cui est

fol. 193.

splendor adepti Magistratus vetustior, quod et infinitis aliis

L: et inter ff. de albo scribendo, L. vni cuiq. de proximis sacror7 Scrinior7. ff: L: de primicerio et secundocerio Cod: Lib: 12.

locis tam Digestorum quam Codicis elucescit,[a] adeo ut extra omnem questionis aleam sit in honoribus et dignitatibus, ut qui prior est tempore etiam dignitate præferendus, immo et ipsi Angli constantissime id tuentur in publicis Regni Comitiis ut prior locus inter Comites antiquiori semper detur, sic et in Baronibus, immo si ad minores dignitates discendamus in Collegiis tam Oxoniensi quam Cantabrigensi, ei prior honos est qui Lauream Magistralem primus assequutus est, et si quid commodi elucescat, in ea præferatur posteriori, licet fortasse doctiori, adeo antiquitas in honoribus, semper primum locum meruit. Ad assumptionem venio nempe Angliæ et Scotiæ Reges in pari dignitatis honore constitutos cum suorum quisq; Regnorum Domini Ligii sunt, nec Superiorem (ut aiunt) Recognoscant, ergo prior dignitate necesse est ut is sit qui prior Rex est tempore, sed Scotorum Genti Reges longe tempore priores fuerunt Anglorum et nomine et Regibus ergo eis prior debetur dignitas et honos. Sed de Legum mutatione mera calumnia est, quid enim obstat quo minus Meridionalis Britannia et Septentrionalis suis quæq; legibus utatur, ut et in diversis Angliæ partibus suis quæq; institutis provincia Gubernatur, ut antea diximus, et adhuc sartæ et illibatæ manent Anglorum Leges, nec de iis innovandis quicquam unquam actum, immo ne cogitatum.

Quinta objectio.

Quæ autem adjiciuntur de mutatione Sigillorum in Diplomatibus, et de veterum munerum officiariis simul cum nomine innovandis, alterum leve est, alterum falsum; nam Sigilla antea mutata sunt, sub Edvardo 3°/ Francorum insignibus adjunctis; immo in priore loco collatis, et utinam sæpius postea mutentur, alicujus Regni novi accessione. Quoties

fol. 194.

insignia Regnorum Hispaniæ sunt novata? nunc solius Galleciæ adhibitis post et Leonibus in signum accessionis Legionum suis Regni tandem et Castellis pro Castella;

et sic de Reliquis Hispaniæ Regnis; itq; [*sic*] in Insignium et Sigillorum Regnorum novatione nihil est periculi, quin immo hoc ipso Argumento constat falsum esse, quod antea objiciebatur, de novi Regni Institutione nam Sigilla Regia ex utriusq; Regni insignibus constant, non immutatis nec novatis, sed in unum Regnum et Imperium tandem accrescentibus et coalescentibus, ut priorum Regnorum Distractorum potius restitutio sive redintegratio videatur, quam Novi Regni Institutio, in qua priora munera manebunt, ut in tribus illis conjunctionibus prima Aquilonarium Regnorum, Secunda Poloniæ et Lithuaniæ, et nuper Portugalliæ manifeste cautum est; et cur idem non possit et hic caveri non video: ita tamen ut Cancellarius, Magister, hospitii, Thesaurarius sive Questor, et reliqui veteres officiarii Coronae Angliæ in Anglia sua munera exerceant. Scotiæ vero in Scotia, ut in tribus illis Unionibus antea annotatum est. Idem in mutatione actorum publicorum et monumentorum, quid enim est quod ibi possit mutari, nisi Titulus Regius, qui utinam ex ea occasione ut dixi sæpius mutetur.

Sexta objectio.

Septima.

Sed maximum est quod quidam objiciunt, se non Britanniæ Regi sed Angliæ fidelitatem jurasse, Itaq; si Rex novum nomen assumat, verendum esse, ne subditi sacramento liberentur, sed futilis est hæc objectio, eiq; similis quæ a Thoma Viato et ejus conjurationis Sociis objiciebatur contra Reginam Mariam, nempe se Sacramento nulli Reginæ teneri, Regibus tantum Anglorum fidem obligasse sed aperte calumniam hanc discussit, primum statutum Parliamenti Reginæ Mariæ et Tacitus multis in locis meminit, Britannos in Imperio sexum non discernere: sane hic elenchus facile explicabitur, si intiger [*sic*] conficiatur Sylogismus, nam enthimematicum disserendi genus sæpe fallax est, et fraudi obnoxium; sed si conficiatur intiger [*sic*] Syllogismus, Sic Angli soli Angliæ Regi in Legeancia et fidelitati [*sic*] obligati sunt, vera quidem est hæc propositio, sed assumendum est Britanniæ Regem non esse Angliæ Regem, quod cum manifeste falsum sit, conclusionis elenchus facile elucescit.

Octava et Maxima.

fol. 195.

Prætereo difficultates quæ ex citationibus provenire adferuntur, et objectiones de asperitate nominis Britannorum, quorum utrumq; non modo responso sed ne lectione dignum

est, nam in voce nulla est asperitas, sed masculus sonus, et quæ Gentis antiquam et virtutem et dignitatem in memoriam revocet, quod si asperitas esset ea usu mollescet, An qui Siluros [*sic*], Cantiani, Ordouices, Brigantes, Trinebantes, Segontiaci, Bibroci, Coritani, antea dicti sunt, Britones sive Britanni dici non sustinebunt? itaq in hac antiqui nominis renovatione, non est Regni novatio, sed in suam pristinam dignitatem et vires restitutio. Certe ab omnibus bonis probabuntur, qui perpetuæ amicitiæ stabiliendæ et confirmandæ causa, aliquid etiam de suo jure remiserunt, sed quod nominis retentione plerosq sic teneri aiunt, ut fæminis hæredibus præteritis, etiam ex corpore natis remotiores agnatos, qui nomina familiæ retinent, solent instituere hæredes et successores, quod nos talliare hæreditatem dicimus; cogitent hi apud se qui hæc adferunt, hæc ne piorum an potius Ambitiosorum hominum sunt Instituta, cum *fol. 196.* Deus ordinem in successione præcipiat, a quo divertere fas et Iura non sinunt.

Nulla hodie in Europa natio, quæ nomen suum sæpius non mutaverit, ut docte Melanchton, sive Speucerus[a] et etiam Gerardus Lilius in Transmigrāne Gentium docent, mirum sane est si res ipsa placeat, nempe conjunctio, et tot utilitates secum adferat, cur non et nomen placeat, cur a nomine communi abhorreamus? magna sane cum Laude in omnibus annalibus exterorum memorabimur, si jam quasi sanguine et cædibus saturati, etiam nomina quæ conjunctionem impediant deponamus, idq ex utriusq Gentis consensu, et ordinum utriusq Regni, positis antiquis nominibus odiorum tanquam armis Commune utriq Genti nomen postea induamus, ut communi saluti et tranquillitati in perpetuum consulatur. Quod si Anglorum nominis retentio tantopere arrident [*sic*] nos eo non minus Glorioriari [*sic*] possumus quam Angli, cum apud nos plures sunt pene virorum Anglorum ffamiliæ, quam apud ipsos hodie Anglos, quorum Majores non tam ex Anglis quam Normannis discenderunt, nam cum Conquestoris tempore Angli ejus tyrannidem indigne ferrent, ad Malcolmum Regem Scotorum confugerunt, qui eos omnes honestis prædiis locupletavit eo tempore, ut ait Matheus Paris, et jus Coronæ et vera Anglorum nobilitas ad Scotos transiit, et cum Malcolmus per pacis conditiones a Conquestore armis obtinuisset, ut omnes Angli

[a] in princip: Lib: 2: Chron:

qui a Conquestore pulsi essent suis patrimoniis restituerentur, Multi ex Anglis conditionem recusarunt, et maluerunt apud Scotos remanere, quam Regnantem Conquestorem cernere, et maximis hodie in Scotia familiis originem præbuerunt ut postea elucescet. *fol. 197.*

Ad Dolomanni duas Objectiones responsio, quibus conjunctionem hanc ut Violentam nec firmam futuram colligit.

CAPUT 10[7]

His impedimentis utcunq expeditis et remotis supersunt adhuc alia duo, quæ a Dolomanno adducuntur, is enim ut Regis serenissimi in Regnum Angliæ cooptationi fuit inimicissimus, sic omnibus Artibus conjunctionem hanc utriusq Regni non cessavit scripto oppugnare, neq ex Regni Angliæ commodis et utilitatibus futuram, ob inopiam Scotorum, et ut violentam nec firmam futuram ob efferata eorum ingenia et inhumanitatem, naturaleq et ingenitum contra Anglos odium asserit. Quis autem hic sit Dolomannus alias nescio, sunt qui putant Robertum Personium unum ex Loyolana societate et familia vero nomine dici, utcunq est certum hoc, et ex titulo et ex tenore libri, hunc personatum Dolomannum unum ex Pontificiis emissariis sive incendiariis esse, ut illi reditum in hanc Nobilissimam Insulam aperiat, desperatum et sibi et omnibus pontificiis, quamdiu vere pietatatis [*sic*] professor, imperium in ea obtineret; sed quicunq sit certum est, vivente Elizabetha Augustissima Regina, cum de ejus vero successore librum edidisset, in quo competitores aliquot, omnibus Argumentis tanquam armis instructis, in arenam produxisset, in eo Serenissimi Principis titulum adeo extenuavit et depressit ut longe aliorum Titulis postponeret et pro cumulo adjicit raros se in *fol. 198.* Anglia deprehendisse qui ejus juri et titulo faverent, in quo hodie manifesti mendacii reus sit [*sic*]; Nunquam enim princeps tanto omnium ordinum consensu tanto Vulgi Applausu et

gratulatione in Regnum vocatus et receptus est, et illa tota controversia quam ille tanto apparatu instruxerat jam dijudicata est, et ille pœnæ et supplicio ob sua merita relictus.

primum Dolomanni Argument7 ex inopia Scotorum.

Sed ad illa duo argumenta, quorum uno Inopiam Scotis, altero indolem efferatam objicit, Respondeo, si Scotiam opibus et potentia cum Anglia conferre velim ridendum plane me exhiberem cum nulla sit in opibus comparatio, tanto Angliæ in eis Scotia inferior, quanto Anglia Galliæ, aut Gallia Hispaniæ; quarum tamen subditis Angli dignitate non cedunt, neq; se eo inferiores putant, quod Galli et Hispani opibus plus possent.[1] Sed quis unquam Sanæ mentis opes, et divitias inter Virtutes numeravit? aut opulentum et divitiis et luxu affluentem populum meliorem eo putavit; Sane Urbs Romana, cum marmorea tota ab Augusto relicta fuisset, et totius orbis opes in unam Urbem congestæ, in præcipitum [*sic*] paulo post obiit, quæ Sobrietate et paupertate antea crevit, ut ait Livius, nec ulla unquam fuit Respub: major aut Sanctior, aut bonis exemplis ditior quandiu paupertati et parcimoniæ honos fuit; adeo ut quanto rerum minus tanto minus cupiditatis, nuper Divitiæ, ait ille, Avaritiam et abundantes voluptates, desiderium per luxum et libidinem pereundi perdidiq; [*sic*] omnia invexere et proinde recte Iuvenalis Satyr: 6:—

Præstabat castas humilis fortuna Latinas
Quondam, nec vitiis contingi parva sinebat
Tecta labor, somniq; breves, et vellere Thusco
fol. 199. Vexatæ duræq; manus, et proximus Urbi
Annibal, et stantes Collina turre mariti
Nunc patimur longæ pacis mala, sevior armis
Luxuria incubuit, victumq; ulciscitur Orbem.
Nullum crimen abest, facinusq; libidinis, ex quo
Paupertas Romana perit.

et postea

Prima peregrinos obscœna pæcunia mores
Intulit, et Turpi fregerunt secula Luxu

Et Satyr: 10.

Sed raro Aconita bibuntur
ffictilibus; tunc illa time, cum gemmea sumes
Pocula, cum lato setinum ardebit in auro.

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[1] Corrected from *pollent*, which is probably right.

Operæ præcium (ait Livius) audire qui omnia præ divitiis contemunt [*sic*], ut neq honori neq Virtuti locum putent, nisi ubi effusæ effluant opes. Spes unica Romani Imperii Lucius Cincinnatus quatuor jugerum colebat agrum, ibi a Legatis seu fossam fodiens bipalo innixus seu cum arraret, Dictator Romanorum salutatus est.

C: Fabricius cum esset censor Morum P: Cornelium Rufinum Consularem Senatu movit, quod decem pondo argenti facti domi haberet, hoc est centum et viginti nostras uncias, pondo enim duodecem tantum Uncias continebat, adeo Gravissimus Vir Luxum in populum irrepentem voluit compescere, neq unquam melioribus moribus forte nec fortioribus militibus et ducibus Romana Respub: floruit; et Iam totam Italiam, victo Pirrho, sub Imperium redegerat; at quotusquisq cujus [*sic*] est Londinensis hodie, qui non plura argenti facti pondo domi non habeat quam Rufinus. Si quis Philosophorum Scholas scrutari velit paupertatem omnium virtutum et Artium parentem, Divitias omnium Vitiorum reperiet, nemo enim usque adeo cerebri expers; qui non plura luxum gignere vitia *fol. 200.* quam inopiam vident, exempla Britannorum domestica sunt apud Gildam et Bedam nam uterq manifeste testatur corruptos ex nimio Luxu Britannorum animos in ignaviam defluxisse, et aditum Saxonibus primum mox Danis in Insulam apperuisse cum segniter ab incolis molitia et luxu fluentibus resisti cernerent. Scotiam omnium terrarum partium habitabilium infæcundissimam dixit Piggotus, rogo eum, num Norvegia, Dania, Iutia sive Cimbrica Chersonesis quib: tāen ipsi Angli debent suas origines, sit infertilior neq tamen usq adeo Scotorum opes contemnendæ sunt, aut potentia despicienda, quæ non solum Anglorum omnes, quibus sib [*sic*] in tantum placent opes et potentiam sustinuit sed etiam Romanorum, Britonum, Danorum et Normannorum adjunctis etiam Anglis fæliciter repulit, nullo externo milite, nullis externis opibus adjuta, cum tamen Gallia, Hispania, et ipsa etiam Anglia his ipsis succumberet. At opes aiunt illi, ad bella sustinenda non adsunt, cum pæcunia nervus belli sit, et militi alendo stipendia necessaria, et sine quibus bellum administrari non potest, Respondeo neq hoc omnino verum esse, sine opibus bella sustineri non posse, quas enim opes Gothi possidebant, quas

Hunni, quas deniq̧ Dani, cum ante annos septinginta [*sic*] totam Europam diluvio armorum inundarent, Scotorum opes centum sunt hastatorum millia, et mille equites, tot enim in aciem Alexander Secundus produxit, bene armatos et pro salute patriæ et Regis sui morti devotos contra Henric: 3, qui Iam universam Scotiam spe devoraverat, et exercitum numerosissimum non solum ex Anglia sed etiam ex transmarinis provinciis contraxerat, ut in ea confideret, et bene meritis suis militibus
fol. 201. partiretur; Authores sunt R: Hovedenus et Matheus Paris uterq̧ Historicus Anglus non ignobilis, neq̧ enim si hæc apud nostros Scriptores haberentur fides eis esset, nemo cordatus infecundum dicet solum; quod centum, armatorum millia alat, et in aciem producat, nec quod post ducenta hominum millia ab Edwardo 1° (ut testantur Anglorum Annales) cesa, ea tāen juventutem suffecerit, quæ Eduardum 2do non solꝰ Scotia tota ejecerit, sed et bis in Anglia castris exuerit, et de suo regno cogeret dimicare, immo et ejus filium [*sic*] Eduardꝰ 3ꝰ a Scotis ad pacem cogebatȝ, quo tamen non erat aliorum Regnorum avidior, aut militia clarior.

> Non omnis fert omnia Tellus—ait poëta.
> Hic segites, illic veniunt felicius uvæ
> Arborei fetus alibi atq̧ iniussa virescunt
> Gramina.[1] Nonne vides croceos ut Tmolus odores,
> India mittit ebur, molles sua thura Sabæi;

Scotia fert auri venas, segetesque virorum. Scotia sane licet Anglia infertilior, nulla tamen re ad humanos usus nescessaria caret, rariores qui fame moriuntur, quam vel in Anglia, Gallia vel Italia, in quibus licet opulentissimis Regionibus centum hominum millia tempore famis aliquando periisse leguntur. Si faciliori victu alamur, eo magis a viris bonis laudandi quo minus egeamus; pauper ut ait Horatius non est, cui rerum suppetit usus vere profecto Lucanus.

> Fæcunda Virorum
> Paupertas fugitur, totoq̧ accersitur Urbe [*sic*]
> Quo Gens quæq̧ perit.

Qualiscunq̧ tamen nostra paupertas est ut Longobardos olim sic nos nobilitare debet, quod a ditissimis et valentissimis

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[1] MS. *Germania inter* [lacuna] *croceos*, etc.

Gentibus non per obsequium, sed prœliando ac periclitando hactenus tuti fuimus, neq; quisquam qui conquestoris nomine de nobis poterit gloriari, ffæminæ enim apud nos, cum neq; *fol. 202.* vino neq; exoticis cibis et aromatibus e longinquis terræ partibus petitis, quæ uterum corrumpunt utantur, facilius concipiunt, inde virorum Examina, ut nusquam numerosiora. Causa sane præcipuæ nostræ paupertatis si quæ est, mulierum fæcunditas est; filii enim cum plures ex eodem Matrimonio procedunt, primogenitus in assem succedit, bona moventia alios liberos sequuntur, quæ cum ad eos pro dignitate sustinendos non sufficiant, neq; se minus generosos primogenito existiment, ad artes mechanicas seu questuosas animum adjicere nolunt, quæ nobilitatem extenuare putentur, (quod olim de Germanis Cæsar et Tacitus gravissimi Scriptores narrant, et omnium ferocium Gentium commune fuit) in exteras Gentes proficiscuntur ubi inopiam cum genere etiam non piget profiteri, quod Tacitus Germaniæ populis ascribit, Carodocus Wallis, alii etiam Hibernis, sed jam stipendia mærere [*sic*] nostri cœperunt, et usu ab otio et segnitie ad aliqua Opificia se conferunt, et ingenio satis valent, itq; [*sic*] Sperandum ut ea nota patriam liberent, nihil enim deest nobis, si industria accedat, et opificum Numerus, qui inopes hos artificiis unde questus oritur imbuat; Alioqui nostra inopia, neq; nobis unquam gravis fuit neq; aliis invidiosa, et ad beatam illam et Sempiternam cum Deo et Angelis fælicitatem tam facilis e Scotia et in Scotia via est, rarioribus impedimentis et Anfractibus vitiorum et Salebrarum exposita, quam usquam nisi fallor gentium, quanquam nostro magno cum malo hodie etiam didicimus vitiis blandientibus ignoscere et servire, idq; humanitatem et officium, ut ex Tacito ante recitavi, appellare; quanquam nullibi lautius aut delicatius quam in Scotia vivitur; nusquam tanta piscium copia, ut nisi recentes et eo ipso die *fol. 203.* capti, a nostratibus fastidiantur; carnibus omnis generis abundamus, nusquam teneriori carne Oves et boves abundant; ferarum alatilium sive volatilium nusquam major copia, nusquam tot genera, ad omnes illecebras voluptatis et Gustus blandientia. Pane triticio utimur eoq; adeo puro et candido quam vel Angli vel Galli; famulantium conditio avenaceo contenta est, qui et robustos homines facit et vitam extendit, at

agrestium qui agros colunt multa [*sic*] major pars pane ex pisis et fabis confecto vescitur, et inter conditiones operarum suarum hoc specialiter cavent, ut nullo alio pane quam ex fabis et pisis confecto vesci cogantur; debilitari enim vires corporis putant alio quocunq pane, nec aliter se labori quotidiano sufficere, nisi hoc genere panis alantur, utcunq est, si minus pæcuniæ habemus, ut nulla possit esse inter nos et vicinos nostros quoad pæcunias comparatio, tamen hoc inde solatii accidit, quod quo minus pæcuniæ est, eo minus ea egeamus, eo alacrius et Iucundius, et minus anxii aut curis evecti vivamus; Verissimum est illud Propertii.

> Ergo sollicitæ tu causa pæcunia vitæ es
> Per te immaturum mortis adimus iter
> Tu vitiis hominum crudelia pabula præbes
> Semina curarum de Capite orta tuo.

Recte et Horatius

> Multa petentibus desunt multa.

Bene est cui deus obtulit parca quod satis est manu. Servius Rex qui primus censum Romæ instituit, pauperes omni onere liberavit, eos satis tributi pendere dicens, si liberos in usum belli procreant, et Batavos memorat Tacitus in Romanorum ditionem
fol. 204. redactos neq tributis oneratos, neq a publicanis attritos sed exemptos oneribus et collationibus et in usum prœliorum sepositos, velut tela et arma bellis reservatos, est itaq paupertas militiæ mater et Magistra, neq enim divites, aut qui otio et umbra delectantur, facile ad belli munera suscipienda impelluntur aut ad ea coacti labores facile sustinent, et si quod vitium paupertas ferat hoc commodo ut ait Tacitus pensatur, quod vitio sive soli sive Cæli acrius ad bella animentur: sed plura de Scotia Nostra non addam in qua suaviter vivitur.

> Nam tacitus pasci si possit Corvus, habebit
> Plus dapis et Rixæ, multo minus invidiæq

feremus non ægre vicinos nostris facultatibus pærire, non tamen omnia in facultatibus aut opibus sit [*sic*], nam alioqui Iampridem libertati exuti eorum Dominatum recepissemus, sane et nos quod dolendum est hodie didicimus cum vicinis nostris vitiis blandientibus servire cum magno nostro malo.

Secundum argumentum Dolomanni est, natura Scotos efferatos esse et naturali odio Anglorum ab ipsiis cunis imbutos; Amicitiam Gallorum prælaturos, et si quando serenissimum Regem contigerit, rerum in Anglia potiri, Custodiam corporis sui Gallis et Hibernis potius crediturum quam Anglis, et munera seu Donativa potius suis Scotis præbiturum non sine Angliæ incommodo et Anglos id non passuros. Deniq, ea esse utriusq, Gentis naturalia odia ut in amicitiam coire posse non sit sperandum.

Secundum Dolomanni argument; ab efferata Scotor7 et inhuma[na] indole.

Quod ad Gallos et Hibernos et custodium [*sic*] corporis attinet, talis hic est personatus Dolomannus qualis ante viz:, qui omnibus artibus dolis et calumniis, Serenissimum Scotorum Regem a Corona Angliæ prohibere conatus sit, ut Romano suo Pontifici gratificaretur; nunc favente Numine in Regno *fol. 205.* Angliæ inauguratus nihil de custodiis corporis mutatum, neq, naturaliter inter se dissident Angli a Scotis, sed tantum ex accidentali causa, hoc est, ut se ab hoste tueantur, tollantur inimicitiæ inter Britannos, amicitia cum ffrancis evanescet, immo vel in Gallia, ut ipse vidi cum adolescens Lutetiæ essem, si quicquam Anglo cum Gallo negotii intercederet, aderat Scotus et vicissem Scoto Anglus adeo ut unum et commune periculum. Una salus ambobus erat. Licet in sua Britannia tot offensionum causæ intercedant, raraq, ut inter vicinos, pax præcipue quoties feroces principes utrumq, Regnum habuerit [*sic*], neq, Scotorum ingenium adeo intractabile est, ut putat Dolomannus, ut non amicitia et beneficiis emolescat. Sub Henrico 3 et initio Edwardi .1. totis sexaginta annis perpetua pax, ab initiis Augustissimæ Reginæ totos quadraginta annos, fidelissime et sincerissime eadem culta est a Scotis non sine utriusq, Gentis maximis utilitatibus et commodis. Quod ad indolem Scotorum attinet, fateor præcipites in Iram si contemnantur aut dicteriis lacessantur; sed absit verbo invidia, nusquam mansuetiora ingenia, nusquam humaniores animorum motus et pietate in extraneos aut alioqui miseros et afflictos faciliores usquam deprehendi, quam in Scotia. Unum exemplum ex Holinschedio[a] adducam ut quam tractabile sit Scotorum adversus exteros ingenium omnes intelligant. Cum Comes Namurci (nostri Gueldriæ Ducem vocant) mercenariis armis ab Edwardo 3°/ Invitatus ut Scotiam oppugnaret a Scotis cruen-

[a] In Eduardo tertio.

fol. 206. tissimo prœlio victus, omnibus pene suis cæsis, ipse etiam deditus, virtutis ergo, et quia extraneus, nulla ratione habita quod mercenariis armis Scotos oppugnatum venisset, liber tamen cum eis, qui supererant et sine præcio dimissus, et ut extra periculum esset a Morravio comite tum Scotiæ Prorege ad limites Angliæ deductus est, ubi ipse Moravus ob nimiam in bello humanitatem in insidias præcipitatus et captus est. Quis non, hoc facto, indolem veram Scotorum et in extraneos morum facilitatem agnoscet? Scelera illa graviora quibus Hispania, Italia, et Græcia luxuriant apud nos ignorantur, et proinde magis caventur quam si specialiter prohibeantur. Quod si altius repetamus amicitiæ et inimicitiæ causas, humanitatem in Anglos a nostros [*sic*] perpetuo observabit [*sic*]. Antea ex Beda Anglo Historico notavi, Anglos Relligionis causa ex Anglia pulsos non solum tutum apud Nostrates perfugium, sed etiam victum liberaliter (ut poterant nostri sufficere) ad vitam in Christiana pietate formandam [*sic*] accepisse; fidelissime cum Britonibus amicitiam coluerunt, cum a Saxonibus tum Christianæ pietatis hostibus opprimerentur, et Picti in partes Saxonum transiissent, ut ex Polydoro constat; sed quæ intercesserant exinde bella expendamus; non ea omnia a Scotorum injuriis profecta videbimus. Conquestor iratus Malcolmum Scotorum Regem, quod Anglos ad se transfugientes reciperet, et opibus Iuvaret bello prior aggressus est, cujus belli quæ alia erat causa quam optimi principis Malcolmi summa in Anglos humanitas? quis autem fuit hujus belli finis antea dixi, nempe cum ex pacis conditionibus Malcolmus id a Conquestore invito
fol. 207. extorsisset, ut liber Anglis omnibus quos ille e patria ejecerat in Angliam et sua patrimonia reditus esset, Angli tanto odio sive ipsi a Conquestore habiti sive in eum exardescentes nunquam ut redirent adduci poterant, etiam si ad sua restitutio libere illis permitteretur; et ne Conquestorem Regnantem viderent lubentes et volentes in Scotia remanserunt, et a Malcolmo Rege prædiis et Latifundiis ditati sunt; adeo ut mihi vere videri [*sic*] posse asserere plus territorii etiam in Scotia optimi eas familias qui ex Anglis discenderant possidere, quam quod inter Tuedam et Humbrum interjacet; sic ob Humanitatem in Anglos Scotus periculosissimam belli aleam cum Conquestore, principe omnibus Artibus belli instructissimo, non

dubitant [*sic*] suscipere. Quod Rufo in mentem venerit ut in Scotos arma sumpserit et quis illius belli causam et originem præbueret [*sic*] ex ipsis Anglorum Historiis constat; certe qui culpam in Scotos rejiciat nemo est, a Rufi tempore, nullum bellum nisi quod Rex David contra Stephanum ut Henric^{7}: 2/^{7} verum Regni Angliæ hæredem suæ sedi restitueret gestum est; at ipse Henricus Licet cum cingulo militari a Davide Carleoli Donaretur jurasset se fiduciarias illas provincias Northumbriam, Cumbriam, Westmariam nunquam repetiturum, ut ex Gulielmo Neubrigensi antea annotavi, cum tamen in eas manus injecisset a Scotorum Legatis interpellatus de provinciis cum rebus restituendis Respondit plane et aperte, nihil circuitione usus, se tantam patrimonii sui diminutionem ferre non posse; itaqꝫ quod virum fortem decuit Scotus ab armis auxilium quæsivit, et vastatis omnibus eis provinciis, quia a se defecissent in insidias tandem præcipitatus et custodiæ traditus durissime *fol. 208.*
habitus, donec eas tres clientelares provincias ejurasset et etiam ipsum Scotiæ Regnum Anglorum Coronæ mancipasset; in omnia tamen restitutus est a Richardo ejus filio qui se videbat amicitia Scotorum, quam enixe cupiebat, et eorum bonis et Libertate simul frui non posse; itaqꝫ ea restitutione factum est, ut nullus Angliæ Regem impensus [*sic*] Scoto coluerit, et si quando occasio dabatur juverit: Sic Henrici 3^{i} et Edvardi .1. temporibus, nam priori decem Scotorum millia ab Alexandro Scotorum Rege, socero suo missa, in eo bello quod inter proceres Duce Simone Montisfortis Comite et Henri: 3^{i}: et Edvardum primum gestum est, et quinqꝫ millia Scotorum missa a Scoto Henrico 3°/, totidem ejus filio Edvardo postea, neqꝫ quicquam a nostris tum omissum, quod veros amicos decuit. Itaqꝫ non adeo ferox aut Inhumanum Scotis ingenium huc usqꝫ fuit; quare hallucinatur Dolomannus; nam nihil adhuc a nostris factum quod viris fortibus et fidelibus amicis non convenerat immo si cura ulla existimationis moveret quod omitti sine dedecore aut sine infamia præteriri non potuit.

Supervenerunt duriora tempora, cum ex defectu Regii apud Scotos sanguinis, duodecem competitores et Candidati Regni Successionem prætenderent, Edvardumqꝫ Iudicem ut Scotis tum amicissimum in tota quæstione deligerunt, at ille occasionem qualem antea nunquam ne somno speraret amplexus,

Coronam Regni Balliolo adjudicavit, ea tamen conditione, ut *fol. 209.* in posterum de Anglo teneret, tam ipse quam ejus successores: sed ne tam indignum populo visum, se tamdiù liberos jam in Domini potestatem venire, ut arma sine Duce sine militari Disciplina et tantum tumultuarie primo sumerent, bisq; aut ter gravissimis prœliis victi, non tamen arma deposuerint Accesserat tandem Dux Brusius, cujus auspitiis non solum Dominum excusserunt, sed Anglis par pari (ut aiunt) retulerunt, vastato omni agro, cis Eboracum, et bis ibi cum exercitu fuso Rege Evardo 2°/. Ab eo tempore fateor odia acerbiora nata, nam non obstantibus juratis pacis conditionibus et Sorore sua Scotorum principi in matrimonio ex consilio omnium Angliæ procerum elocata, Edvardi 3[i]: auxiliis adjutus est Ballioli filius Edvardus ut Regnum quod sibi patris jure deberi putabat recuperet, id factum, et fidem ex eo facto læsam mirum quibus circumlocutionibus Polydorus excusare nititur; is tamen fuit exitus, ut post multas clades, Scotia suis Legibus et Regibus libera relinqueretur; itaq; hujus atrocissimi belli quod 50 annos pene duravit, cladibus infinitis Nobilitati. Occasio ex Edvardi primi Ambitione et non ex nostra culpa processit, interea tamen cum hæc bella ferverent, humanissimum Regis Scotorum in Anglos factum a Tho: Walsinghamio Anglo Scriptore memoratur, quod præterire hic non possum, ut sciant vicini etiam in atrocissimis odiis Scotos humanitatem non solere deponere; sed si paulatim se ferocia remiserit, posse ad suos mores nempe benevolentiæ et amicitiæ officia redire. Scriptoribus nostris credi nolo. Robertus Rex Scotorum decies et ter ab Anglis in acie victus, quatuor fratres amisit, eos quidem omnes viros fortes, qui licet bello capti, fœdissimo tamen laquei supplicio ab Edvardo primo interempti sunt, captus Comes Atholius, qui cum genus ad ipsum Edvardum referret, altiori cruce jussus est tolli, omnium membra distracta, obsidum impuberum quinquaginta una cruce sublati poterant, hæc viri fortis non solum animum ad vindictam accendere, sed etiam efferare, reparatis viribus Robertus aliquoties victor, concurrentibus undiq; amicis tandem cum Edvardo 2°/ de Summa rerum dimicavit, cruentissima belli alea in quo Robertus tandem victor, Licet quatuor fortissimorum hominum millibus amissis, tandem omnes Anglos captos humanitate maxima, ut ait

Mira Scotorum in Anglos humanitas etiam bello crudelisimo.

fol. 210.

Walsinghamius, tractavit, vulneratos fovit, et a Chyrurgis curari fecit, ita necessaria omnibus administrando et singulorum tentoria, ubi curabantur, circumeundo et consolando, ut parentis potius Loco esset quam hostis, aut victoris ; eaq̧ mansuetudine effecit, ut toto vitæ tempore licet sub Rege infensissimo volentes Angli nunquam Scotiam repeterent : nec his finibus contenta Regis in Anglos humanitas. Sed cum Edvardus 2. in suos ob amissum exercitum sæviret, alios morte, alios exilio damnasset, pleriq̧ Anglorum ejus tyrannidis pertesi, ad Scotum perfugerunt, et ab eo non obstantibus prioribus cladibus ea humanitate sunt tractati ; ut cum Robertus in priore prælio plerosq̧ viros fortes amisisset, qui nullos ex se liberos nisi fæminas reliquerant, eas omnes Anglis elocavit, qui in Scotia immemores veteris patriæ repetendæ restiterunt, et originem clarissimis familiis dederunt, et hæc secunda est Anglorum in Scotiam transitio, fortasse non tanta, quanta tempore Conquestoris fuerat, eadem tamen causa transitionis erat, et numero fortasse non multo minor. Alterum Indolis Scoticæ exemplum in pugna de Otterburn, quæ anno Salutis 1388 commissa est, recitabo, ex ffrossardo Historico illius temporis clarissimo, et Anglorum partibus favente, quorum et pensionarius, ut ipse fatetur fuit, ubi non minoribus animis, licet Copiis imparibus pugnatum, præerant duces fortissimi et suis charissimi, Anglis Persius, Scotis Duglassius, tantaq̧ atrocitate concursum, ut Persius cum fratre captus sit, cæsus ex altera parte Duglassius ; Scoti licet cæso suo Duce victores tamen ingentem captivorum numerum in castra reduxerint : cum repente Dunelmensis Episcopus cum novo exercitu decem hominum millium superveniret, nec Scoti victoria feroces pugnam cum novo hoste detractabant ; sed ne qui motus in castris essent dum pugnaretur deliberant, quid faciendum de captivis, qui pene numerum pugnantium æquabant, nonnulli ex militari disciplina interficiendos censebant, ne victores in prælio adversus novum hostem impeditos a tergo adorirentur, Durum id reliquis visum, nec relinqui poterant aut vellent, qui captivos servarent, itaq̧ tantummodo fide accepta se nihil nocituros dum pugnatur, neq̧ fugam circumituros, in castris captivos Scoti relinquunt. Dunelmensis ubi Scotos ad pugnam expeditos procedere vidit, non tentata belli alea rediit,

fol. 211.

secundum humanitatis Scotorꝫ in Anglos Hostes etiam cum maximo suo periculo exemplꝫ.

Captivi Scotorum castris præfecti fidem integram et illibatam servarunt, et victoribus se rursus tradiderunt. Excutiantur omnia Assyriorum, Macedonum, Græcorum et Romanorum bella, volvantur, et revolvantur annales omnium gentium si
fol. 212. simile modestiæ fidei et humanitatis inter hostes exemplum occurret, Scoti licet Victores in prælio suam vitam et Salutem et victoriam hostium recenti sanguine adhuc madentium nudæ fidei et arbitrio crediderunt; cum a tergo et a fronte hostem haberent, periculosiorem etiam a tergo, qui poplites pugnantium succidere poterant, ut illi quingenti Numidæ transfugarum specie ad Canas ab Annibale emissi. Simile humanitatis officium non dico in Scotos sed ullos alios hostes, apud Anglos repetita omnium annali~ memoria non legimus, imo Henricꝰ 5ꝰ: laudatissimus Anglor~ Rex cum clarissim~ de Gallis victoriam ad Quincurtum [*sic*] obtinuisset, et Gallos pugnam restaurare velle putaret captivos omnes interfici jussit, quod statim factum ē crudeli sed necessario in re militari concilio, conferat itaque hæc æquus Lector utrorum factum humanius, et a Barbariæ Nota longius Distaret. Ego sane nisi vehementer fallor, ne inter amicissimas et conjunctissimas Gentes tale exemplum humanitatis et fidei reperiri posse puto: nec facile est scire ab utra gente fidelius pacta conventa sunt servata, idem in Duello inter Lindesium et Matheum Reidman, apud eundem ffrossardum, ubi in fide utrinꝗ egregio servata incertum reliquerunt, uter alteri plus in officio deberet, et proinde insanit Dolomannus, qui ingenium Scotorum ab Anglorum Societate ita abhorrere, et Scotos inquietos, barbaros, et semper infensos Anglis asserit, licet hodie paribus benevolentiæ officiis vicini in nostrates non responderunt, veterum odiorum reliquiis adhuc manentibus. Adjiciam et aliud in exteros humanitatis exemplum sed recurre ad fol: [205] et §: 2: ad ea verba Cum comes Namurci.

fol. 213. Scio illam generalem bellorum in Britannia occasionem et causam semper fuisse, dum Anglos [*sic*] parem in Insula Scotus superiorem non sustinet, ex animorum sola elatione bella hæc et dissidia nata; Etiam Edvardum primum Scotis Dolomannus objicit, fidemꝗ a nobis ei præstitam de eo in Regem recipiendo et non servatam, sed si unquam apud quempiam Scriptorem reperiat Scotos Edvardum primum pro Rege recepisse, habeat

et vincat; immo expresse Polydorus Ioannis Ballioli factum pag: 470 col: 2.
rejecisse, populum et arma ob libertatem a majoribus acceptam retinendam sumpsisse testatur et Westmonasteriensis hanc in quæstione Regni prælationem Sordibus partam testatur, quamdiu Edvardus nostris hominibus ut amicis uti voluit, iis fidis usus est, et auxilia ab eis contra Wallos accepit, ut vero imperare, tanquam subditis prætendit, funestissimo bello occasionem præbuit; quod non nisi tricentorum millium cæde potuit expiari; sed cur Edvardum primum objicit Dolomannus, cur non ejus patrem Nobilissimum principem Henricum 3[7]/ qui et in civili contra Simonem Comitis Montisfortis et alios Regni Barones in eum insurgientes [*sic*] et contra Wallos forti et fideli opera Scotici exercitus usus est quem a genero suo Alexandro Rege impetravit; nolo jam cicatricem quæ diuturnitate temporis coaluit refricare, sed illius funestissimi inter Scotos et Anglos belli, si quis Hovedenum aut Walsinghamium scriptores Anglos attente perlegerit, occasionem ab Edvardi profunda ambitione initium sumpsisse inveniet, et sane si quis ea tempora quæ post Edvardum 3[7]: *fol. 214.*
evenerunt, apud se expenderit non eas animorum acerbitates inter has Gentes inveniet, quæ inter inimicos et hostes solent intercedere, non enim pugnabant utri viverent sed utri vincerent, et Virtutis tantum militaris tum erat æmulatio ab incendiis temperatum, nisi quando Dux imperaret, dum pugnabatur cædebant, et cadebant rara in fuga cædes et capti domum dimittebantur pacto redemptionis præcio, quod aut ad diem præstitutam solverent aut eis se sisterent a quibus antea capti nulli ffideijussores, nulla pignora, aut cautiones aliæ interponebantur, fides tantum præstabatur, quam si quis fefellisset, chirotheca tanquam fractæ fidei tessera, in die ad res repetundas indicto (ut solet fieri apud Limitaneos) circumferebatur, publice in notam infamiæ, et ille qui notabatur aut duello se purgare cogebatur, si injuriam sibi diceret factam, aut ut indignus neq̧ lare neq̧ societate, amicorum recipiebatur; ea erat utrinq̧ tum humanitas inter Limitaneos in ea ætate cum bellum esset. At Monachi in suis monasteriis et qui interiora colunt, neq̧ bella unquam viderunt (inter quos et hunc Dolomannum numero) Scotos Tygridas et aspidas fingunt, ut qui humanis carnibus vescebantur efferatos esse,

quippe ab omni literarum, humanitatis et civilitatis studiis alieni essent. At toto hoc tempore inter Edvardum 3[7]: et hanc nostram Ætatem nulla gravia bella intercesserant præter duo, prius quod ad ffloddinem montem gestum, cujus occasionem vicini nostri in Iacobum 4[7]:/ rejiciunt, eum
fol. 215. omnibus contumeliis ut fœdifragum et infidum incessentes; neq̧ tamen in fortissimum principem licet illius temeritate et culpa (nolo aliud dicere) clades ea fuit accepta, occasio fuit derivanda; nam offensionum causæ inter eum et Henricum 8[7]: intercesserunt, non leves; et ut semper ex contemptu natæ, dum Henricus non tanti Scotorum Regem esse diceret, ut vel ejus minis vel inimicitiis quicquam de proposito adversus ffrancum bello remitteret, irritabant hæc animum contemptus impotentem, ex quo pugna illa a ffloddum sequuta est, et licet infestissimis animis pugnatum sit, arte tamen potius, quam armis ea victoria, si qua fuit, ab Anglis parta est nam cum hic militiæ modus apud Scotos perpetue sit observatus ut vassalli ad Regium exercitum convenirent, suis impensis, et ibi quadraginta dies præstolentur; qui mos ex jure feudali emanavit, et apud ipsos Anglos et alias plerasq̧ Gentes adhuc obeservatur [*sic*]; jamq̧ exactum hoc statutum tempus esset, militesq̧ quibus stipendia nulla erant deficiente cōmeatu defluerent, probe hujus rei conscius Surreius, continuis dicteriis et mordacibus non cessabat Regi fortissimo insultare, ut eum ad conferrendas manus provocaret, gnarus tertiam partem Scotorum exercitus vix Iam in Castris esse; sed Iacobus Rex ingenio præfervido, palam prædicabat se cum sua nobilitate sola, etiam si omnes reliqui decederent, ulturum a Surreio acceptas injurias, itaq̧ imparibus viribus concursum: Vix enim fuerant ín Scotorum exercitu (ut accepi a viro militari et fide digno, qui et ei pugnæ intererat Octo hominum millia) sed ea ex prima nobilitate, itaq̧ numero obruti, sed non multi
fol. 216. occubuerunt; at Surreius licet victor male affectum exercitum demisit et limitem utriusq̧ Regni transgredi cavit cum sciret novas Scotorum copias auxilio domino suo venire et ad pugnam instructas: Alterum et priore gravius ad Pinguinum prælium, non tam a pervicacia populi ortum, quam Ecclesiastici ordinis ambitione et fraude, cum restituta apud Anglos Relligione, Pontificii in ordinem coacti essent, et cum nostri

prælati idem sibi metuerent, ex eo matrimonio quod tum inter utriusq; Regni principes contractum erat, non cessarunt compositum [*sic*] pacem dejicere, et ita funestissimum de novo bellum natum, in quo apud dictum Locum Scoti etiam in iniquo loco cum Anglis congressi, postquam universum Anglorum equitatum fudissent, panico terrore quasi correpti nullo persequente fugerunt, ipsis etiam Anglis fusi equitatus pavore perculsus [*sic*] tum fugam meditantibus, itaq; illius cladis fatendum est causam a nostris processisse, ut ejus pænas gravissimas luimus, sed ut ait Lucanus.

Perdita tunc nobis nocuerunt tempora.

Adjicit Dolomannus si semel Scotus Rex Salutetur, tum pronum in Suos Scotos futurum ut eos donativis et muneribus prosequatur, ut Anglia pæcuniarum inde inops reddatur, immo et Vulgi ea est Sententia, Regem infinitas pæcunias exhausisse in Scotos [*sic*], qui eum sequebantur ditandis, nihil hic ejus Majestate indignum, nihil quod a natura aut aliarum Gentium more abhorreat; nam cum Maximilianus Cæsar, Mariam Caroli Burgundi filiam et Hæredem in Uxorem duxisset, suos Germanos, qui ad nuptias illas cum pompa majore celebrandas eum prosequuti sunt, quæcunq; caduca et ad fiscum devoluta eis concedendo mirum in modum sed non sine indigenarum *fol. 217.* offensione, locupletavit: Sic Carolus 5^{9} cum ut Regnum Hispaniæ sibi ex successione delatum caperet e Belgio venisset, tot muneribus Belgas suos, qui eum comitati sunt, affecit, ut res ad seditionem pene in Hispania rediret; quid referam de Gulielmo Rufo et Henrico 2°: qui in principiis Regnorum suorum infinitis donis eos quorum opera usi sunt cumularunt? prætereo alios Reges ad Hen: 3^{7}: venio? qui cum uxorem Comitis Provinciæ filiam Duxisset, quantis muneribus publicis quot donis eos affecit, adeo ut maxima inde populi indignatio sit orta; quia Henricus ut incommoda suppleret, tributis et exactionibus populum onerabat, et infinitas cogendi vias ut ffiscum Locupletaret invenit; ea sane consuetudo est omnium qui novo Regno inaugurantur, ut munificos se et Liberales a principio præbeant, præcipue in eos qui ad tantam dignitatem ineundam sunt eum honoris causa sequuti, at pessimi sunt rerum estimatores, qui hæc et his similia in vulgus effundunt, nec sumptus, qui a multis

nobilibus viris in hoc apparatu et expeditione facti sunt, expendunt, quorum magna pars bonam patrimonii partem tum profuderunt, et adhuc æri alieno sunt obnoxii; nec ex Regia Liberalitate, quod sperabant receperunt, nonnulli etiam si oblatum quid fuisset, non accepturi quid mirum si quatuor aut quinq, sint quos Rex beneficiis locupletavit? quid mirum si quosdam habeat, quibus a pueritia usus est? qui etiam fortunas omnes in ejus obsequio expenderunt, quorum opera in suis rebus adhuc utitur, si eos beneficiis nunc, cum sit in auctiore fortuna, prosequatur; perpendant secum et diligenter considerent, quot facultates, quot opes e Scotia exportatæ sunt, et singulis pene mensibus exportantur et *fol. 218.* consumuntur in Anglia postquam Regno serenissimus princeps successerat et finem faciant obloquendi; nam cum nobilitas nostra pene omnis ad principem suum singulis annis soleat convolare, alii ut jucundissimo ejus congruantur aspectu, alii ut quærimonias suas differant, nec sit quod ab eis gratis sit sperandum in Anglia, aut ego fallor, aut brevi quicquid fere opum in Scotia est in Angliam tandem evehatur, sed de commodis, quæ ad Angliam pervenerint ex hac conjunctione mox dicemus.

De utilitatibus hujus Unionis, et præcipue de eis, quæ Angliæ accedent, commodis.

CAPUT. 11um

Lib: 2: offic: Duo ait Cicero in omni deliberatione præcipue versari, quid honestum quid utile, cui si tertium membrum adjecisset, perfecta illa fuisset distributio, si quid pium, quod ante omnia cum Lege dei conveniat, inquiratur; nisi forte qui sint qui pietatem cum æquitate et æquitatem cum honesto confundant; Unionem hanc quam maxime c7 humanitate convenire. sane ex hac unione id sequetur, quod Dominus supra omnia commendat et testamento suo Discipulis et per eos omnibus Christianis amplectendum reliquit, nempe ut invicem diligamus; novum inquit præceptum vobis relinquo, ut invicem diligatis ut ego vos dilexi (nempe qui vitam pro eis deposuit), *fol. 219.* hoc enim ipso vos esse ex meis discipulis, cognoscent homines

si vosmet invicem diligatis; et in eodem sermone ad Patrem conversus, ut omnes Discipuli et qui ex eorum sermone in dominum credituri essent, unum in eo sunt [*sic*].præcatur, quemadmodum ille cum patre in Unitate consistit; ego inquit in te et illi in me unum perfecte sunt, et amor quo tu pater me persequeris in illis maneat et ego in illis; sic in Psalmis, fraterna amicitia et benevolentia rori matutino (quo nihil est apud eas Gentes gratius) aut balsamo comparatur, cujus is exitus promittitur, benedictio Domini et Vita æterna. Sunt sane qui illud Laudabile, illud sanctum et honestum tantum putant, quod Regni rationibus augendis convenit, at viri boni et Christiani omnibus facultatibus Domini benedictionem præferent, quam certa fælicitas in hac, et postea vita æterna consequitur; ut ex adverso horrendæ illæ in impios domini minæ; si quicquam pietatis nobis relictum est, debent adamantina nostra pectora, a præteritis scelerum et cædum criminibus deterrere, quibus se super impios depluiturum, Laqueos ignem psal: II: et sulphur et sevissimas tempestates minatur, hæc eorum inquit Dominus erit portio. Viri sane boni hanc Domini execrationem præcio etiam infinitorum quos somniavit Democritus mundorum nollent incurrere, sed Dei promissam benedictionem nihil de fide promittentis dubitantes amplectentur, et rebus omnibus terrestribus anteponent, at cum hodie plerosq; videamus, qui pietatis omnis immo et Dei ipsius omnipotentis securi utilitatis tantum rationibus omnia metuntur [*sic*], expendamus, et alia, quæ in deliberationem apud homines plerumq; cadunt.

Deliberatur ait Cicero maxime de duobus an justum sit quod in deliberatione venit et Honestum, an vero utile, nam *fol. 220.* de duobus honestis, utrum honestius, et duobus utilibus utrum utilius, non est questio, cum nullus alius qui titulum prætenderit, aut competitor objiceretur aiunt [*sic*], qui honestiorem, (i.e.) æquiorem titulum aut toti Reipub: Britannicæ utiliorem et magis salutarem in medium adducere potuit. Itaq; superest solius honesti et utilitatis Disputatio in hac quæstione, At ratio honesti et æquitatis Serenissimum principem ad Regni Angliæ Sceptrum ei justissime debitum evexit; neq; enim aliter potuit fieri, salvis honesti et justiciæ legibus, eisq; sartis et illibatis permanentibus; restat itaq; hoc solum, an ejus in Regnum cooptatio, et proinde utriusq; Regni unio sive con-

junctio utilis fuerit utriq; Regno, et ut ex eodem Cicerone docemur, quoties utilitatis quæstio versatur, inquirunt omnes homines et consultant, ad vitæ commoditatem, jucunditatemq; ad facultates Rerum, atq; copias ad opes et potentiam parandam, quibus et se et suos possint Iuvare, quæ omnis deliberatio ait ille utilitatis est, hæc itaq; singula minutatim perpendamus, si Vitæ commoditas et Iucunditas, si dignitates opes facultates potentia immo si commoda Angliæ auctiora aliunde esse poterant quam ex hac duorum Regnorum antea sibi infestissimorum conjunctione. Vitæ Iucunditatem nihil est quod magis promoveat, quam fraterna concordia et amicitia. Iucundum enim est ait Psalmista, cum amicis et vicinis in fraterna charitate vivere, ecce quam bonum et Iucundum est habitare fratres in unum,[a] et nihil injucundius et miserius, quam perpetuis bellis et quod majus est, quasi civilibus aut verius plusquam civilibus, exagitari, res suas auferri videre, pecora abigi, ædes et opida incendi, fratres cognatos interfici, violari pudicitiam filiarum etiam conjugum qualia si quando bellum inciderit necesse est contingere, una indignitas una injuria aliam parit: pro his pax et securitas in tota Insula nascetur, seditiones conquiescent, homines inquieti, et ex rapto in confinibus vivere soliti compescentur. Bellum a belluis deduci ait Festus, quod homines in bello se invicem belluarum instar conficiant; sed quoniam de belli et pacis commodis et incommodis pleriq; Libros ediderunt, illud tantum admonuisse sufficiet in hac unione sive concordia Pacem publicam, populi tranquillitatem, et rerum deniq; omnium securitatem versari, cum pacem dico omnia dico, quid enim in terris boni est, quod non pax producat, quid mali quod non bellum. Crœsus Lydorum Rex bello a Cyro captus, hoc argumento bello pacem prætulit, quod in pace filii parentes sepelirent, in bello parentes Liberos; quare si ex legibus duodecem Tabularum, salus populi suprema Lex est, cujus causa etiam in rebus humanis omnia aguntur, quæ salus populi in bello esse potest.

Vitæ jucunditas utrique populo procurat; ex hac unione.

[a]Psal: 139.

fol. 221.

unde Bell7.

notabile Cres: Lydor7 Regis dict7.

> Nulla salus Bello, pacem te poscimus[1] omnes.
> Turne, simul pacis solum inviolabile pignus.

Drances apud Virg: lib: 11: Æneid:

—— aut verius ipse Æneas.

> Una salus Bello nullam sperare salutem.

Lib: 2: Æneid.

[1] MS. *petimus*.

Pax igitur est quæ publicam quietem et tranquillitatem confirmat, bellum sane cum externo hoste, sive quod perniciosius est, civile, omnia proterit; nam si ipsam Rempub: spectemus, ea nunquam magis floret quam in pace, quid enim eversionem Reip: magis promovet, quam inter Cives discordia ut inter *fol. 222.* Marium et Syllam, Pompeium et Cæsarem, Octavium et Antonium et Lepidum, an hæc bella unquam nisi cum eversione Romanæ Reip: conquieverunt, quale spectaculum Communi matri Britanniæ si ejus duo filii Etheocles et Polyneces mutuis se vulnerib9 conficiant, quale in civitate una et eadem (cujus instar Britannia est̃), si membra se mutuis morsibus Dilanient, caput a manibus et ventre dissideat, salus ipsa, si velit, eam familiam servare non potest, que intestinis dissidiis laceratʒ et in p̃tes dividitʒ: In summa Bellũ oĩũ malorũ, oĩũ miseriarũ est̃ epitome; at Deus opt: maxim: nostræ prioris conditionis misertus jam omnes Britannos sub uno patre familias redegit, sub quo perpetua tranquillitas et otium cum tranquillitate conjunctum non sine ratione speratʒ; quod si pravatorum [*sic*] utilitatem spectem9, stante publica corruere non potest nam ex otio benevolentia et concordia civium, et quicquid inter homines amabile, quicquid delectabile, procedit. recte Aristophanes *εν τω Νηεσων*.[1]

Ὦ μῶρε, μῶρε, ταῦτα πάντ᾽ ἐν τῇδ᾽ ἔνι,
οἰκεῖν μὲν ἐν ἀγρῷ τοῦτον ἐν τῷ γηδίῳ
ἀπαλλαγέντα τῶν κατ᾽ ἀγορὰν πραγμάτων,
κεκτημένον ζευγάριον οἰκεῖον βοοῖν,
ἔπειτ᾽ ἀκούειν προβατων βληχωμένων
αἰγός τε φωνὴν εἰς λεκάνην ὠθουμένης
ὄψῳ δὲ χρῆσθαι σπινιδίοις τε καὶ κίχλαις,
καὶ μὴ περιμένειν ἐξ ἀγορᾶς ἰχθύδια
τριταῖα πολυτίματα, βεβασανισμένα
ἐπ᾽ ἰχθυοπώλου χειρὶ παρανομωτάτῃ

Aristoph: fragmenta et Stobeus Sermone LIII.

Sed altius describit Pacis bona in Pæanibus apud Stobeum, ibidem.

Τ*ίκτει δέ ἀνθρώποισιν εἰρήνη μεγάλα,*
πλοῦτον καὶ μελιγλώσσων ἀοιδῶν ἄνθεα,

[1] MS. *Νεγεβων*.

δαιδαλέων τ' ἐπὶ βωμῶν θεοῖσιν τίθεται βοῶν
ξανθᾶ φλογὶ μηρία τῶν εὐτρίχων τε μήλων.
γυμνασίων τε νέοις αὐλῶν τε καὶ κώμων μέλει.
fol. 223. *ἐν δὲ σιδαροδέτοισι πόρπαξιν αἰθᾶν ἀραχνᾶν*
ἱστοὶ πέλονται· ἔγχεά τε λογχεωτὰ
ξίφεά τ' ἀμφάκεα εὐρὼς δάμναται χαλκέων
δ' οὐκέτι σαλπίγγων κτύπος οὐδὲ συλᾶται μελίφρων ὕπνος
ἀπὸ βλεφάρων ἆμος ὅς θάλπει κέαρ
συμποσίων δ' ερατῶν βρίθοντ' ἀγυιαὶ
παιδικοί θ' ὕμνοι φλέγονται.

Lib: ii: Georg: Rursus quæ belli incommoda unico aut altero versu comprehendit Virgilius.

Quippe ubi fas versum atq; nefas tot bella per Orbem
Tam multæ scelerum facies, non ullus aratro
Dignus, honos, squallent abductis arva colonis
Et curvæ rigidos falces conflantur in enses.

Cum dicit nullus aratro dignus honos, cum a terra omnes alamur, nec aliunde quo vescamur habeamus, immo ne quo vestiamur, omnia vitæ sustentacula perire bello innuit; hæc de Commodis privatorum, quæ a publica pace adferuutur, dies legentem deficeret, si quæ pacis commoda, quæ belli incommoda commemorem; pauci sunt, qui multi de iis tractant, cum res hæc tota non ex rationibus aut argumentis, sed ex ipso sensu Naturali sive communi dependent [*sic*], et flagris ait Aristoteles potius coercendos, quam rationibus, qui quod omnes sentiunt, ipsi in dubium vocent, satis commoda hæc et incommoda norunt, qui in confinio utriusq; Regni habitant, apud quos in bello fortissimus quisq; martis erat victima, feracissima arva inculta jacebant, pecora ferri abigiq; solebant, adeo ut nemo sit inter ffortham et Eboracum usq;, qui non pacis commoda belli incommoda senserit aliquando. Qui apud Thamesim et interiora Angliæ considunt, hæc forte ludibrio habent cum tamen in anno 1588 idem timor etiam Angliam meridionalem pervaserat; sed fieri non posse putant vicini nostri, ut hæc damna a Scotis possint timeri, saltem meminisse debent, quot exactionibus quot tributis et gravaminibus sæpius sunt obruti, sub eo prætextu, ut Scoti rebelles compescantur; (ita enim apud eos mos loquendi inolevit, cum bellum intercedit)

fol. 224.

et sua opinione Scoti facillime exterminentur, itaq; a Monachis Sancti Albani aut Monasteriensibus instructi, totam Scotiam, nihil nisi unius diei prædam esse putant, sed infeliciter hactenus et frustra bello tentata est, et hæc de vitæ commoditate et Iucunditate, quæ in deliberatione prima consideranda est.

Sequitur de Dignitate, an quicquam indignius Anglorum nomine et gloria hactenus esse potuit, cum in una pugna Cresciaca non solum Francorum Regem potentissimum et [*lacuna*] ei adjunctos et commilitantes fudissent, tamen cum Regem potentia et opibus inferiorem in eadem Insula nullo maris obice, non montibus, non fluminibus, septum aut munitum cernerint [*sic*] de dignitate suo Regi non cedere, sed de antiquitate et vera gloria contendere; nec tamen tot seculorum Curriculo potuisse aut tolli aut in potestatem redigi; hoc tamen ipsum Scotorum Regnum Angliæ antea tam infestum, tot occasiones rerum gerendarum intercipiens hodie si non sub Imperio Anglorum saltem eodem cum illis Imperio contineri, gratissimum et pulcherrimum videri debet, id ut planius fiat *fol. 225.*
præteritis priorum seculorum Historiis ad tempora Conquestoris et ab eo descendentium ad hoc usq; tempus perpetua serie rem ipsam deducemus.

Certum est Conquestorem et ejus posteros et præcipue Edvardum primum nihil reliquisse ut Scotiam suam facerent, in hoc Reges Anglorum omnes nervos et vires intenderunt quod in Henrico 2do/ sed multo magis in Henrico 3o:/ manifestum ex ipsorum Anglorum Historiis feci; qui quidem Henricus 3/ quicquid virium in Anglia colligere, quicquid ex Belgio et Hannonia contrahere, quicquid ex suis transmarinis provinciis excire, aut mercede conducere poterat, id omne Novum Castrum adduxerat, ut Alexandrum 27/ ejus nominis opprimeret, sed cum eum in ripa Tuedæ instructum ad pugnam cum potentissimo exercitu deprehendisset, Episcoporum interventu, ex periculosissimo utrinq; bello pax nata et affinitas contracta, disponsata Henrici filia Alexandro Scotiæ principi et Alexandri secundi filio, At Edvardus primus ejus filius cum omni sollicitudine et cura obtinuisset ut ejus filio et hæredi Edvardo secundo Margaretha tum Scotiæ hæres promitteretur, stipulationibus utrinq; intervenientibus, ne ea sine Liberis mortua, Anglorum Reges jus aliquod in Scotia aut contra ejus libertates

prætenderent, resq, ex utriusq, Regni utilitate quam maxima, et dignitatem vires et potentiam auctura crederetur, non tamen ita tum visum est superis qui in commodius tempus conjunctionem illam distulerunt, mortua enim Margaretha ante nuptias cum Edvardus ut armis obtineret quod per matrimonium frustra speraret, contendentibus tum duodecem proceribus de Regni
fol. 226. successione, sive ut nostri volunt tribus, et Edvardus arbiter sumptus esset, is occasione præsenti usus ex pacto cum Iohanne Balliolo convenit, ut eum Regem Scotiæ agnosceret, sed cum id Scotis maxime displiceret ad arma tandem ventum est, pugnatum ter aut quater omnibus copiis cum Edvardo sed cum nostris maximis cladibus; cum Balliolus Rex in partes Anglorum cum multis eum sequentibus transiisset, et sine duce nostri pugnarent; Scissa in plures factiones Scotia quarum aliquot etiam cum Anglo militabant; hic mirum in quantum se Angli efferant et attollunt [*sic*], tot Scotorum acies tot in Acie millia cæsa peragratam totam victoriis Scotiam, cum tamen eo toto tempore nullus esset in Scotia Rex et vulgus impatientia et indignitate servitii, tumultuariis tantum prœliis sine Duce cui fiderent nec ex disciplina militari dimicaret, sic magnam partem Scotiæ suam Edvardus fecit, sed mors ejus spes intercepit cum Carleolum venisset, ut quicquid superesset Scotici nominis deleret, ut animo conceperat, eandem ingressus est viam Edvardus 2^9 qui et ipse majoribus copiis Scotiam invaserat; sed cruentissimo prælio fusus, non solum Scotia exutus, sed etiam de Anglia bis apud Eboracum coactus dimicare, quæ ejus tempore Scotorum in bello virtus, quæ existimatio legant vicini nostri apud Thomam Walsinghamium[a] Historicum Anglum, at Edvardo 2°/ extincto, Edvardus 3 ejus filius omnium Angliæ Regum in bello fortunatissimus idem animo proponens ejusq, vestigiis insistens, Scotiam tandem Liberam relinquere coactus est, licet Regem Davidem bello victum et captum, decem continuos annos in custodia detinuisset, perierunt in eis bellis, si calculum ex Anglorum Historiis
fol. 227. ineamus supra ducenta Scotorum millia, quot in secundo bello Punico Romanorum non ceciderunt nec minorem fuisse Anglorum numerum probabile est cum toto eo bello, tandem Scoti victores fuissent, et Scotiam ad antiquos fines extendissent, ab eo bello quod supra [*lacuna*] annos duraverat Scotia fuit

[a] in fine Eduardi I[i] & 2[di].

quietior; raro in Scotia nisi apud Pinguinum, aliquoties in Anglia pugnatum est, sed quid his omnibus bellis petebatur, aut quid si hodie optio Anglis daretur, quid votis mallent, quam suam Scotiam facere Victoresq; in eo regnare? Sed quantum hæc conjunctio victoriam omnem superat, aut quid utilitatis aut commodi ex frustra petitis victoriis obtinere poterant, vicini nostri, quod non ex hac conjunctione sunt plenissime consequuti? hodie Anglorum Rex, Scotiam omnem sibi Obsequentem habet, ei in omnibus paratam inservire, et omnibus hominibus, imo omnibus rebus quæ in Scotia sunt uti tanquam suis, ut ratio postulat, pro arbitrio potest, at gratius et Iucundius fuisset, victoriæ nomen, si tanquam victores Scotiam sibi vicini nostri subjecissent; sed expendamus etiam, si victoria evenisset, utilitates et commoda quæ ex ea poterant nasci. Primum, Victoria hæc *οὐκ ἀναιμακτί* parta fuisset, et indignantibus et invitis imperassent, et proinde firmam futuram hanc subjectionem vix credibile, cum vis et metus pessimus sit diuturnitatis custos, et Scotia singulis quadrenniis [*sic*] nova examina Iuventutis effundat quæ res novare poterant, ut in Pictorum Regno deleto, et Edvardi Primi victoriis ex annalibus constat et nemo in ea conditione manere cupit cujus ipsum peniteat. At nunc fideliter in unum populum cum Anglis Scoti coierunt, positis in æternum inimicitiis, nec ulla ruptura hodie timeri possit ex parte Scotorum, qui semper inviolatam fidem, suo principi et omnibus ab eo discendenti- *fol. 228.* bus hactenus observarunt a Fergusio, qui primus apud nos regnare dictus est, licet plerumq; seditiones et offensionum causæ intercesserant, imo licet aliquando Reges aliquot sive justa sive injusta occasione exauthoritati [*sic*], proximus tamen ex sanguine nunquam interrupta successionis linea suffectus, idem speramus a vicinis nostris, quamdiu ullus a stirpe serenissimi principis supererit. Itaq; non tam firma pax, non tam solida amicitia aut ex ulla victoria aut ex subjectione armis parta sperari potuit, quam ex hac juris et animorum conjunctione quæ ex utriusq; Regii sanguinis linea in una coalescente hodie nata est. Neq; quicquam a vera victoria hac conjunctio abest, Rex enim Scotus nunquam imperabit posthæc in Scotia post excellentissimum principem Serenissimi Regis filium, sed Reges in Anglia nascentur, Angli erunt, in Anglia habitabunt, et Anglis

potiꝰ et utiliꝰ est Anglis Scotiam per unionem hanc habere, quam per victoriā.

(quibus stipatoribus et aulicis utentur) potius favebunt, quod et naturali rationi convenit. Ipse enim serenissimus Rex Iacobus licet in Scotia natus, tamen Anglorum beneficio maximo devinctus, studebit quoquo modo benemeritis respondere, interea fortasse Scotis qui in principis præsenti comitatu sunt, aliquid indulgebitur, posterorum nulla habebitur ratio, cum in Anglorum, qui ut plurimum in ejus erunt Comitatu et Consiliorum potentes futurum sit potestate ut vel admittantur vel rejiciantur, et verisimile est eos non solum suis affinibus et necessariis sed etiam suæ Genti commoda quecunque condonaturos, adeo ut omnis (cum nullus nisi per eos aditus ad honores et munera publica et immunitates im-
fol. 229. petrandus fuerit) interea Scotis via præcludatur, nisi quam ære et pæcunia mercabuntur, rara aut nulla habita Scotorum ratione, Londinum totius erit Insulæ Regia et caput, a quo pene omnia nostra jura petentur, nisi quid arduum occurrat eo recurrendum, nec ulterius procedendum donec quid Principi et Consiliariis qui Londini consident placuerit, renuncietur; eo omnes Scotiæ opes transferentur, et sic quodcunq Victoria, vel clarissima vel etiam cruentissima potuit vicinis tribuere, illud jam a volentibus gratanter et amice sunt consequuti, odiis ubiq et inimicitiarum nominibus depositis, immo longe majus erit, quod ex hac conjunctione vicini nostri nanciscentur, quam ex cruentissima victoria; nam nostris opibus quæcunq sunt jam integris frui licebit, quæ in bello ab immani milite direptæ ad publicum usum nunquam pervenissent, Ædes, urbes, agri Nobilium virorum, rusticæ ædes, quæ fortasse nusquam frequentiores, neq honestiores visuntur, populationibus, direptionibus et incendiis fædatæ et deformatæ fuissent, in quibus hodie Angli benigne possunt recipi et hospitari fortassis, et filias suas non infeliciter elocare, dicam quod sentio nusquam terrarum (nisi fallor) lautius aut jucundius vivitur, nulla re ad humanas necessitates explendas deficiente, quam in Scotia. Nihil ergo ex inani victoriæ nomine, Angli fuissent consequuti, quod non hodie sine cæde et sanguine plenissime habent, immo sine invidia, sine etiam retractandi animo ut in æternum fruantur Deum Optimum maximum enixe rogamus. At dicent, Scoti si non uniti munerum publicorum dignitatum, et Ecclesiasticorum proventuum nun-

quam fuissent capaces, quod tamen ut novas causas odiorum indies producere poterat, sic manifeste falsum. Edvardus enim tertius ut firmus [*sic*] eam partem Scotiæ sibi devinceret *fol. 230.* et retineret, quam bello occupavit; eisdem privilegiis, Scotos omnes qui ejus imperio parebant, communiter cum Anglis frui voluit. Romani Latinos participes dignitatum a principio noluerunt admittere, neq; Consulatum cum eis communicare, unde gravissimum illud bellum et periculosissimum cum Latinis ortum est, at postea non solum Latini, sed etiam Campani, qui post fædam defectionem ad Hannibalem, nomen civitatis amiserunt, sæpe Consules designati, ut testatur Silius Italicus, et sub Claudio Cæsare etiam Galli qui urbem Roman incenderunt, jura civium post obtinuerant, tandem ut in Senatum legi possunt [*sic*], et magistratus creari impetrarunt; ea sane apud omnes Gentes consuetudo invaluit, ut quoties adjunctione aut acquisitione, etiam per victoriam provinciæ novæ accesserint, aut in fidem provinciales recepti pro Subditis haberentur, et ad honores et dignitates sive forenses sive militares una cum aliis admitterentur; alioqui ne subditi quidem dici videbuntur; si a reliquis aliqua nota distinguantur, unde et occasiones rerum turbandarum aliquando possunt nasci, nihil ergo nec ex plenissima victoria Angli poterant consequi, quod non ex hac conjunctione plenius et melius nacti sunt. In Normanno recipiendo et in Regnum assumendo multum videbatur Anglia opibus et dignitate crevisse, et pro ea tum [*sic*] retinenda quam recuperanda infiniti Labores desudati, innumeri exercitus militiæ Laboribus evecti, immensi sumptus facti, nec tamen eam retinere poterant; quod freto separata reliquæ Galliæ contigua et conjuncta esset, unde Gallo quandocunq; lubebat opportuna cum difficulter auxilia ab Anglia submitterentur et classis annona milites non tam facile semp expedirentur, tandem *fol. 231.* etiam amissa, adde quod Normanni Idiomate cum reliquis Gallis communi uterentur, et proinde difficilius, sub Anglorum, quorum Linguam non intelligebant imperio retinebantur, quæ res defectionem movebat; idem de reliquis transmarinis provinciis nempe Aquitania Pictonibus, Andibus, Cenomannis usu venit; itaq; opportunitatem suam hæ provinciæ nactæ Ab Anglorum imperio defecerunt, in quo parum peccare sibi videbantur, cum ad suos nempe Gallos et in eadem patria sive

solo natos et ad principem suum Ligium (nam de Gallo hæ provinciæ tenebantur) deficerent; At in Scotia omnia diversa, animi semper Regii sanguinis amantissimi, a quo nunquam hactenus defectionis crimine notari poterant; nec verisimile est in futurum unquam notandos, et eadem utriq͏̧ Genti communis Lingua sive Idioma, adeo ut sua sponte jam in unam Gentem coaluisse videantur; nec si forte tumultus aliqui oriantur, aliquid impedimento esse potest, quin armis quamprimum poterit compesci; non naves, non arma, non milites, non Commeatus parandus, nullo flumine, nullis montium crepidinibus disjungimur, quin ex Anglia in Scotiam et ex Scotia in Angliam, sive armatis, sive inermibus, transire quovis tempore liceat; nec dignitatis parva erit hæc accessio quod vetustissima inter omnes Gentes quæ in Europa hodie regnantur Corona jam ad Anglos pervenerit; quod sine cujusvis populi invidia dico; notum est ante Pharamundi in Gallias expeditiones Scotos suos Iam habuisse Reges, et facile hoc ex Historia elucescet, et nos antea docuimus: Hispanorum Regnum licet
fol. 232. hodie potentissimum, tamen a non multis annis ex Saracenorum et Arabum manibus ereptum hoc ipso pene seculo in unum coaluit et Germaniæ imperium a Carolo magno cœperat, Poloniæ et Ungariæ Regna longe recentiora, itaq͏̧ nemo inficias ibit, Scotorum Regnum hodie in Europa Antiquissimum, licet opibus plerisq͏̧ inferius, habere, quod sibi sufficiat, et aliis possit nocere, cujus amicitiam potentissimi in Europa principes ambiverunt, et sanctissime coluerunt. Memini me inter adversaria quorundam Legatorum ex Scotia ad Pontificem et Œcumenica consilia legisse, sæpe de dignitate inter legatos Regum Angliæ et Scotiæ certatum utri prior honos et consessus in Consilio deberetur, cum ille potentiam Noster Antiquitatem Regni pro se adduceret, nec alter alteri unquam cædere, factum est ut in congressibus cum aliorum Regum Legatis, nunquam simul consederint, ne in inferiori loco dignitatis constituti, Regibus suis præjudicasse viderentur; utrum autem potentiæ an antiquitati major honos, aut dignitas debeatur, antea annotavi, et ad ipsorum Anglorum perpetuam consuetudinem provoco, habent itaq͏̧ vicini nostri, hodie quo merito gloriari possunt, se antiquissimo in Europa Regno sine cæde et sanguine potito [*sic*], vitiumq͏̧ omne quod vel ex Saxonum

in Angliam adventu vel Normanni violentia contraxerunt; (cum alioqui potentia per violentiam et vim quæsita raro solent [*sic*] esse diuturna) jam plene purgasse cum Regnet is, qui præterquam quod verus sit Saxonum et Normannorum Princeps et ex sanguine primus, etiam Britonum sive Britannorum Stemma cum eis conjunxerit, nam Serenissimus princeps verus est lineæ Britanniæ hæres ex Ada Ambrosii Aurelii et Uteri Regum Britannorum Sorore hæres Ambrosio et Utero sine liberis fato *fol. 233.* jamdiu functis. Elocata erat enim hæc ut dixi Ada Conrado Scotorum Regi, ut firmus [*sic*] esset Vinculum Societatis, et ffœderis inter Britones et Scotos, ad propulsandum communem hostem nempe Saxonem, qui jam in Britannia sedes sibi et suis destinaverat, Verus etiam Anglorum, quorum Regnum a Conquestore suppressum est; Rex cum ex Margaretha Edmundi a ferreo Latere dicti, nepte et hærede discendens, cujus fratrem Edmundum Ethelingum, Edvardus postremus Anglo Saxonum Rex etiam sibi in Regni successorem substituere cogitaret, immo quam injustissime Avi Edmundi Regno fraudaverat. Summa ope niti debent vici [*sic*] nostri, ut conjunctionem hanc omnibus modis sanctam et Illibatam amplectantur et retineant, ex qua non Solum Scotia Angliæ conjungetur, sed etiam purgatis omnibus vitiis Saxonum et Normannorum, jure ipso Regnum illud florentissimum in Britannicæ Lineæ vero principe et Successore tandem conquievit. Tollet itaq; hæc Regnorum Unio omnes controversias, omnes dissentiones, nomina factionum et odia, quæ utramq; Gentem hactenus exercuerant, amicitias pro eis substituet, et talem inter se utriusq; Gentis commistionem seu conjunctionem faciet, ut temporis decursu neutri inter se discernantur, Civibus et incolis securitas, hostibus metus nascetur, Divisionis comites sunt perpetui fames, incendia cædes pecorum et armentorum raptus, fortunarum omnium prædæ et totius Reipub: ruina saltem deformatio, Latebræ maleficiis et impunitas ex ea unde prædandi licentia, omnes procerum injuriæ et oppressiones tollentur, qui ut quempiam pro ea quam sibi opinionis errore confingit injuria, omnem ulciscendi occasionem venantur, aliquotq; ex his *fol. 234.* Latronibus semper emittere soleant, qui ex eorum prædiis quos oderunt prædam agant et ferant, unde pax publica plerumq; turbatur. Hæc ad primum illud de Utilitate caput, nempe de

hac unione omnes quæ de successione questiones ortæ sunt tollentʒ.

commodo et Iucundo, quae ad Anglos ex hac conjunctione proveniunt; nam præter commoda pacis quæ nunquam digne enumerari aut commendari satis possunt, Regno desideratissimo *ἀναιμακτοι* potiti sunt, cui Reges priores Anglorum, ut eo potirentur toties inhiabant, pro quo acquirendo tot Labores pericula sumptus, nec quicquam tolerarunt, tot etiam in futurum poterant sustinere.

de Scotor7 utilitatib9 ex hac Unione. Ad nostros venio quos eadem commoda ex mutua pace consequuntur neq; in tota terrarum Urbe [*sic*] Gens ulla est, ex cujus inimicitiis tot mala ex amicitia tot commoda provenire ad eos poterant nam hodie jucundissimo, ex hac conjunctione, aspectu frui possunt, cum eum cujus omnes majores ex Scotorum sanguine discenderint, pro quorum dignitate tuenda et promovenda, toties sanguinem suum hauriendum præbuerunt, tot calamitates pertulerunt, tot etiam calamitates adhuc pati erant parati, hodie toti Britanniæ vident imperare. Si forte unus ex Dolomanni competitoribus, quos ille argumentis tanquam armis ad Regni successionem arrogandam in arenam produxit, si ex eis unus aliquis jus sibi successionis prætendisset si Regis titulum clarissimum, in dubium quibuscunq; modis vocasset et ab armis præsidium petiisset, an non hic omnes veri Scoti, et in Scotia nati ad sui Regis jus obtinendum et dignitatem tuendam illico arma induissent? quorum tamen eventus erat dubius, nisi Anglorum procerum pleriq;, ut sperabatur, in partes accessissent, sed dabimus etiam Victores, an sine sanguine id *fol. 235.* eventurum putassent? non ita solent in prœlium discendere qui pro Regno dimicant, an unico prœlio rem tantam finiendam credebant? aut unica pugna se defungi? imo etiam si victoria contigisset infinita pericula exantlanda, labores et sumptus innumeri sustinendi. Nunc sine suo labore sine periculo vident, quod tot laboribus et sumptibus parati erant redimere, nempe Regem ex se natum, apud se educatum, in Nobilissimi Regni sede sibi Iure debita collocatum, a quo omnia æqua sperare possunt, mala et calamitates metuere in futurum desinent; et sic Angli optatissimo et desideratissimo Regno hodie sine ærumna aliqua potiti sunt, quo nihil illis commodius, nihil gratius potuit accidere. Scoti eum Regnare hodie aspiciunt, quem votis omnibus et periculis in imperium promovissent; hæc de commodo et honesta voluptate, quæ prima

pars utilitatis apud Ciceronem ponitur; sed longe in hac quæstione commodi et jucundi vicinis vincimur; nam illi voluptatibus fortasse et commodis his perpetuo fruentur, cum nihil jucundius nihil gratius vero et amanti subdito esse possit, quam principis sui dulcissimus vultus, cujus radiis se in perpetuum destitutos nostri vident, nisi optimus et Sapientissimus Princeps, quod publice pollicitus fuerat, unum saltem ex tribus annis Scotis suis indulgeat, ut ejus possint præsentia gratissima et jucundissima perfrui, quo nihil ad retinendam, totius Insulæ conjunctionem sive unionem, aptius et commodius reperiet, quam si non solum se uni parti sed toti Insulæ natum Regem agnoscat, et præsentiæ suæ lumine dignetur.

Quanto Britãnia ex hac unione auctior. *fol. 236.*

Sequitur secunda pars apud Ciceronem hujus utilitatis quæ in deliberationem cadit nempe inquirere homines, facultates rerum et copias et ad opes et potentiam, quibus se et suos possint juvare. Primum hoc certum est nullos in Hibernia motus futuros durante hac Unione sive totius Insulæ conjunctione, nam et aliquam ejus partem sibi viciniorem Scoti jam diu armis partam occuparunt et quotidie ex Scotia in eam migrationes fiunt, et non parva in continendis in officio Hibernis ex Scotia auxilia mitti possunt, quippe Hiberniæ magis vicina. Secundo extra omnem controversiam est ipsius Britanniæ, si universam consideremus, facultates et opes ex hac unione longe majores et auctiores futuras, nam quæ antea bellorum, rapinæ et incendiorum erant alimenta, et proinde omni humano usu inutilia facta, hodie in veras opes mutabuntur, Deserta et bellis vexata arva colentur et pecorum abactiones facessent; prædia deposito omni belli timore exercebuntur, sata colligentur, ædes et castra rustica quæ in limitibus sunt frequentissima, Silvis, Palatiis, hortis, viridariis, ornabuntur, unde innumeri quæstus, qui ex lanificio et piscatu solent produci tuto parabuntur. At si uniuscujusꝗ Britanniæ Gentis commoda discutiamus vicini nostri longe plura consequentur, quam nobis relinquent. Nostri enim licet facultatibus, opibus, et copia longe illis inferiores, habent tamen quod eis sufficiat, immo quo et exteras gentes in parte juvet, nam cum omnia ad victum et vestitum hodie referantur, in victu nulla ex parte ulli gentium inferiores sumus; nam ubi piscibus vesci lubet non solum Angliam sed omnes Europæ

Regiones, piscium generibus copia et dulcedine vincimus; nec in carnium copia dulcedine et sapore cedimus, in segetum et frugum copia longe Anglia superior, ita tamen ut nunquam
fol. 237. segetes desint quæ ad eos alendos, qui in Scotia nati sunt sufficiant, et si sterilitas Segetum contigerit, incommodum hoc lacticiniis montani supplent, quibus non incommode pleriq; in segetum aliquando defectu utuntur, nec cum valetudinis incommodo; nusquam enim Gentium magis robusta corpora, vividiores spiritus, Senectutes longiores et viridiores, aut tardiores, quam apud eos, etiamsi nulla alia re quam caseo et carnibus vescantur, et lac, Scytharum in morem, potent. In alituum diversitate et delicato sapore, cum maximis gentibus comparandi; adeo ut non solum omnia Scotis sufficiant ad alimenta, sed etiam ad honestam voluptatem, immo plerumq; si lætior fuerit, segetibus annus ad exteras Gentes frumenta in magna copia mittant, præter Lanam, Coria, pelles, pisces in infinita copia et multitudine, ex quibus se et suos solent juvare, rem et facultates parare, unde rursus vinum, sericas vestes et pannum vel Gallicum vel Anglicum comparare solent; licet apud nos domesticorum pannorum Copia quibus vestiamur sufficiat, et spes sit propediem nostrum pannum bonitate etiam Anglicum æquaturum; licet Lanæ bonitate aliquatenus vincamur; sed in pannorum confectionibus in posterum nostris elaborandum erit, quibus vina, merces, et quæcunq; in prætio apud homines sunt, advehentur, cum alioqui pæcunia ad exoticas merces advehendas apud nostros difficulter paretur; nam nostratibus fortasse, dum domi manent domestica copia sufficit, at cum tot causæ quotidie enascantur, quibus subditi Principem et Dominum suum solent et cupiunt invisere, aliquoties etiam ab eo evocantur necesse est, plerosq; procerum et alios ex potentioribus aliquando apud Regem esse, illic
fol. 238. sumptus omnes facient, vestibus majoris præcii utentur in dapibus magnificos esse oportet, in rebus gerendis munificos, in comitatu spectandos; hæc ut sumptibus et pæcuniis egent, nec sit aliunde ubi capiant, e suis prædiis in Scotia secum vehant, necesse erit, itaq; in Angliam quicquid facultatum erit, in Scotia, quicquid pæcuniæ, quicquid oculis Anglorum charum, et præciosum, omnia dona, munera quibus homines

inescari solent eo singulis annis convehentur, Scotia suis bonis exhaurietur. Sol licet omnem Terram illuminet, totam tamen non æqualiter fovet et calefacit; sed eam cum directis radiis imminet potius quam eam, quam obliquis intuetur; ita ut quo directiores erunt radii eo fortiores, itaq licet obsequia a suis ubiq debentur Domino et in pari gradu poterit expectare, Divitiæ tamen omnes et opes eo convolabunt, ubi princeps commorabitur; Quid Londinum ut primaria Angliæ urbs esset et Divitiis et opibus potentissima hactenus fecit, nisi principis ibi et in confinio sedes perpetua? idem de Edino apud nostrates, quod reliquas Scotiæ Civitates longe opibus antecessit, an in futurum tale erit, destitutum jam principis optimi præsentia pleriq in quæstionem vocant, sane ex quo in Angliam profectus est Rex, multum opibus et etiam Civibus imminuitur, plerisq in Angliam et Londinum se recipientibus; itq [*sic*] hujus conjunctionis commodis et opibus adde etiam et voluptate Angli soli fruentur, Scoti quicquid habent, quicquid evehunt, eo dirigere cogentur; itaq nihil necesse est, ut vicini nostri indignentur, si Scoti naturalizatione ut vocant fruantur, ad opes et honores et publica munera capessenda admittantur, aut commoda sua inde minui credant, cum ex solius Regis præsentia decies plus commodi accepturi sunt, quam ex hac denizatione amissuri. Nam ut dixi si Scotus effectus naturalis Anglus, prædium fundum *fol. 239.* aut bona moventia acquisierit, illud omne cum fructibus, quos in Scotia habet ibi consumet et expendet; at nostri longe gravius et fortasse justius quæruntur se Regis sui desideratissimi aspectu et lumine non solum destitutos, sed etiam ab accessu prohibitos, cum jam tantum itineris emetiendum, tanti sumptus impendendi sunt, antequam accesserint, qui a nostris sustineri commode non possunt; nam cum antea accessus facilis esset quærentibus, et responsum fortasse viginti quatuor horarum spatio eorum quærelis expectarent, nunc Londinum adeundum, iter fortasse sexcentorum, aut septingentorum millium passuum capessendum, et postquam venerint, Angli sollicitandi, et fortasse pæcunia expugnandi, ut eorum miserias Leuent, et quærimonias ad Principem defferant. Et cum Civitates et opida ex Principis sui lumine plerumq floreant, et locupletentur, et proinde Ædificiis, palatiis, hortis,

hospitiis, et si quæ alia ad subditorum commoditatem pertineant, ornari solita et consueta, nunc eadem ruinam prope minantur; cum rari sunt, qui civitates, nisi adsit Princeps, frequentent, Mercatores ex quorum opera Civitates crescunt, alio merces suas nisi malint amitti evehent et distrahent, mechannicarum artium peritissimi Artifices, quorum non parva erat in Urbibus nostris ornandis et extendendis facultas, et vis eo confluent ubi Princeps, ubi Consilium publicum quiqꝫ circa Principem quotidie versantur proceres, et secum non solum mercatores, sed etiam navium Magistros, nautasqꝫ immo et naves ipsas avehent, nam Mercatores et navium Magistri eo convolabunt, ubi facilior et plenior distractio mercium erit, cum ex horum operis supra quadraginta

fol. 240. hominum millia quotidie in Scotia alerentur et ante alios omnes extraneos, ab [*sic*] eorum sedulam operam et fidem et cum cognitione conjunctam modestiam a continentis Incolis conducerentur, immo ante alios etiam suæ gentis homines, nunc omnibus his commodis carendum erit, et ut alia silentio præteream, dissolvendum erit cum ffranco fœdus tot seculorum vinculis hactenus inviolatum, quod neqꝫ decet et magno nostro incommodo fiet, nam in omni cum vicinis nostris contrahenda amicitia fides debet esse antiquior, et ita novam amicitiam contrahi par est, ne qua vetustiori [*sic*] amicitia violetur aut lædatur, et Deus violati fœderis severissimus est ultor; immo quod majus erit incommodum cum Cataphractorum equitum ala in Gallia continuo Regiis impensis aleretur, quæ rursus in suo comitatu supra mille nostrates nutriebat et Cohors alia Scotorum, cui ob fidelitatem Regii corporis custodia concredita est, quæ majorem etiam numerum et suis impensis alebat. His omnibus inquiunt nostri posthæc carere aut [*sic*] oportet cum simul amicitia Anglorum et Gallorum frui non possimus, sed cum hæ gentes in continuo bello pæne sunt, et occasiones novæ possunt incidere, si utraqꝫ vel saltem alterutra ferociorem principem fuerit adepta, maxime (aiunt multi) nostro malo hæc unio contracta est, satius fuisset nostrum retinuisse Principem, quam cum eo tot præsentia tot futura

ad priores objectiones Responsio. commoda amittere. Sed ad hæc omnia facilis est responsio, gratius enim est quærelæ occasionem non habere, quam facilem ad eam deferendam aditum et nunc ita apud nos

vivitur, ut rari sunt qui de injuriis quærantur, præ eis qui antea fuerant, ita enim omnia Regis cum potentia conjuncta prudentia continet, ut nunquam pacatiores res in Scotia *fol. 241.* fuerint quam hodie (Deo Gratia) sint, nec lumine Principis usquadeo destituti sumus, quin quærelarum nostrarum voces ad eum perveniant; si quid gravius inciderit, interea Consilium publicum ejus in omnibus pene rebus vices supplet, apud quod non difficilius hodie admittuntur quærimoniæ, et jus ex æquo et bono dicitur, quam antea: Adde quod Aulicorum gratia sæpe solet multa pervertere, dum alios ambiunt, alios orant, aliis etiam malum minantur, nisi sui respectus ubicunq; libitum est habeatur; maximum in Consiliis et Iudiciis impedimentum, accedit illud quod communi proverbio apud nos dicitur, (quo dominus propior aliquando et Gravior) nam si qua re egeat proximos gravat, si onera imponenda, angariæ, perangariæ, vehicula, jumenta imperanda, qui in vicinia sunt magis onerantur, quam qui longius absunt. Sol quo propior terris et directis radiis imminet, Incolis gravior, et terræ fructibus incommodior, at quos obliquis radiis aspicit gratior, et tellus omnibus bonis lætior affluit. Sed rogo quempiam ex nostris, qui hæc tacite mussitant, si de Titulo Regis controversia mota fuisset, et armorum Iudicium subeundum, quot incommoda inde nata, quæ calamitates Regnum afflixissent, nam æquitas et ipse pudor, ad Regis jus repetendum provocabat, si subditi, si homines deniq; dici merebamur, in quo quot hominum strages, quot oppidorum deformationes, et ruinæ præsentes, quot agrorum vastationes occurrissent; Maria jam nobis undiq; Libera erunt quibus antea belli tempore cedere cogebamur, cum longe vicinis nostris et classe et navibus inferiores essemus. Non jam viginti quatuor aut triginta navibus eisq; præciosissi- *fol. 242.* mis mercibus instructis simul spoliabamur [*sic*]. Quid Edinensibus accidit, cum primis tabulis matrimonialibus inter utriusq; Regni principes renunciatum est. Non oppida jam flammis cum divite supellectile ardebunt. Ipsa natura monet, cum in rebus humanis nulle esse possunt utilitates, quæ secum sua incommoda non ferant, ut ex duobus incommodis minus eligamus et plura paucioribus postponantur, si Rex adesset libenter ne (quod tamen ex Regiis institutis Angliæ pendet)

tot plaustra sibi imponi quæ Regia onera e loco in locum transvehant si quando migrandum est Nostri patientur? quis Regio præcio ut aiunt res suas sibi auferri non ægre feret? habet itaq; Regis præsentia sua commoda, sed etiam multis gravaminibus et oneribus obnoxia. Interea licet Nostratibus in sua patria artes et industriam veram exercere, nam pauci sunt et mox pauciores erunt quorum Commerciis destituimur, Aulici enim omnes sunt, quorum ut præsentia sæpe gravis, sic absentia non erit onerosa, et in urbibus eadem erit frequentia, si modo consilium sit Gentis aliquod publicum ad quod absente Rege, recurri possit, quod et ipsi vidimus hac æstate 1605, et proinde urbes ipsæ non minus ornabuntur, quam antea, et spes est principem ex sua benignitate, nobis etiam Lucem suæ Majestatis, aliquoties indulturum, ut si quid erratum sit, si quid nefarie factum, præsentia sua corrigere possit, et quod ex bonis Civium aut opificum decesserit, ejus et procerum Angliæ, qui eum comitabuntur accessu supplebitur, illud nos omnes solabitur, quod eum Britanniæ toti imperantem hodie videmus, qui velit nolit Scotis suam *fol. 243.* originem suum sanguinem et parentelam, immo se ipsum quodammodo debet, et in posterum spem esse semper Regnaturum, in Britannia, qui ex Scotorum prosapia et sanguine descendit, et non talem, qui Iosephum non noverat, ut pleriq; non cessant calumniari; et res facile (ut aiunt) et physici et Iuris consulti ad sua principia redeat. Naturam (ut ait Horatius) expellas furca tamen usq; recurret. Hæc breviter ut quorundam erroribus obviarem, qui mallent hanc conjunctionem nunquam contractam, quam tot commoditatibus, quibus antea per principis sui præsentiam fruebantur, sic in futurum destitui. Redeo ad vicinos nostros, qui ex hac unione quicquid opum, quicquid facultatum apud nos esset nobis etiam volentibus extorquebunt; nam ut sciant ex hac conjunctione ad quantas opes et facultates aditus sit patefactus, et quanto divitiis auctiores erunt, ex hac Unione in nostro mari libere piscabuntur; quod si industria fecerint quantas facultates nostris præripient et ad suos transvehent, soli Belgæ ex piscatu, immo ex solis halecibus in nostro mari (ut testatur Ludovicus Guicciardinus in suo de inferiori Germania tractatu) fructum decies centorum millium Duca-

Quanti [*sic*] facultates ex piscatu in Scotia et ejꝰ Insulis parari poterunt et solent.

torum singulis annis percipiunt; et sepe apud Insulas nostras quadringintas aut quingintas naves videre licet piscatui incumbentes, quarum nisi onusta recedit, nulla quod commodum alioqui cum vicinis aliis nostri poterant communicare, fortasse et Belgas eo prohibere; saltem id lucri faciemus, ut Belgæ nostris beneficiis perpetuo in officio teneantur. Quanta copia Mullorum et aliorum piscium qui ex æstiva navigatione *fol. 244.* proveniunt? cujus tanta est et erat semper affluentia, ut hi qui ad terras Novas piscatum navigant, neq; faciliori neq; pleniore piscatu fruantur. Accepi quondam a Davide Vassio Navarcho, Viro bono, et cujus memoria apud nos ad huc grata est, si nostri secum velint sumptibus et opera concurrere, scire se stationes apud Hebridas saltem non longe inde distantes in quibus piscatores omnes naves in Europa bis in anno onerare poterunt, primo halecibus, secundo mullis sive asellis, nec minor ubiq; salmonis copia qui tam grati sunt omnibus Europæis Gentibus, et non minus in Insulis quam continenti in magna copia capiuntur, nec non in Lacubus aquarum dulcium Brumo, Livinio, Carrono, Ryano, et innumeris aliis in quibus piscatur, adeo facilis adeo Dives est, ut si accedat Anglorum industria (nam in eo longe ab Anglis vincimur) et sumptus impenderint, nulla pars orbis Terrarum sit ea prior aut potior. Prætereo Fortham et Glottam Æstuaria, in quibus stato tempore quottannis tanta vis halecum capitur, ut horum in Galliis venditorum præcio omnia viva quibus abundantissime et facile præcio Scotia fruitur advehantur. Omnia exotica cibaria Saccarum, piper Vestes ex serici filis, et præterea magna auri et argenti vis quotidie inferatur; habet itaq; suas commoditates Scotia, quarum communio libera si vicinis nostris permittetur, denizationem suam satis amplo repensam præcio a nostris agnoscent, nostraq; apud nos beneficia Ecclesiastica et dignitates, Licet multum facultatibus imminutæ, tamen ad honeste et laute etiam vivendum sufficiunt; nam et Monasteriorum *fol. 245.* reditus adhuc sunt apud nos licet minus opulenti, qui omnes in fiscum apud Anglos relati, multa apud nos Ecclesiastica adhuc sunt beneficia et dignitates, ex quibus commode satis vivitur, licet non in priori statu; et hæc de opibus et utilitatibus, quæ privatorum propriæ sunt, ex quibus tamen

Rex annuas pensiones, portoria satis ampla poterit exigere; et ita publice et privatim non sunt Scotiæ facultates contemnendæ; Infinita hominum in Insula multitudo est, ut ait Cæsar, et cum Cæsare Tacitus et Diodorus, proceriora corpora et validiora quam in Gallia et robustiora testatur, idem Tacitus, Dion, Strabo et Solinus at quos hi animos in bello habeant inquirendum, nihil ait Tacitus in tantum profuisse Romanæ victoriæ adversus validissimas Gentes, quam quod in commune non consulant, ita dum singuli pugnant omnes vincuntur; ita vel Iudicio Taciti Romani Scriptoris clarissimi invicti contra omnes mortales Britanni erunt, si in unum (quod sub uno principe necesse est) consulant, si non singuli populi pugnent, sed omnes ejusdem periculi participes, bella communi animo sustineant; ingenia sane Britannorum Gallicis anteponere solitum Agricolam, testatur idem ejus gener Tacitus. Sequitur apud Ciceronem ad opes et potentiam parandam quibus se et suos juvare possunt, hic primum expendendum, quanta potentia in primis parabitur, nam privatorum potentia in opibus et facultatibus publica vel in se tuendo vel in armis juste inferendis consistit. In se tuendo conjunctio hæc sive Unio usque adeo utilis est et erit, ut nulla
fol. 246. humana vis Britannis sit metuenda, quamdiu in hac animorum unione permanserint, quod si arma vicinis Gentibus sunt inferenda, fælicius et meliori cum successu id fiet a tota Britannia, quam ab una aliqua ejus parte; neq, enim dividendæ erunt copiæ ut una pars arma exteris inferat, altera Scotis objiciatur, quæ periculum ab ea parte propulset. Ludovicus Duodecimus Galliæ Rex cum a vicinis omnibus principibus bello peteretur, Pontifice, Cæsare, Hispano Helvetiis deniq, et ab ipso Henrico 8vo/ qui Gallias eo tempore cum magno exercitu invaserat et Terouanam fuso Gallorum equitatu everterat, Tornacum deditione receperat, ut audivit Iacobum 4t:/ Angliam cum Exercitu intrasse, octo millia ex suo qui in Castris erant apud Gallos exercitu detraxit, quos in Angliam misit, hi in pugna apud ffloddum rem strenue gesserunt, cum omnes veterani essent, licet illius pugnæ dubius fuerat eventus, nisi quod ex cæde Scotorum Regis Angli sibi victoriam tribuebant; sed quid post præclari ab Henrico in Gallia gestum, immo quid in Scotia? nihil: nam Scotiam bello feliciter confecto, Angli non sunt ingressi, et deposito Iam

Gallico bello et diminuto exercitu in suam Angliam reversus est, pacem saltem priore victoria indignam recipere contentus; immo Ludovicus duodecimus in principio illius belli, cum deliberaretur, quibus copiis Anglo obviam esset eundum, de Anglo respondet se non esse sollicitum, habere se telum quod in eum cum libuerit emittat, et quod emissum statim ex Gallia in suam Angliam retrahet, et sane id erat perpetuum Gallorum Regum institutum, et ob id amicitia cum Scotis ante octingentos annos contracta, ea conditione, ut si Anglus *fol. 247.* Gallias invaderet, Scotus non solum milites Gallo sufficeret sed etiam ex Scotia cum copiis fines Anglorum infestaret, et bellum in se reciperet, ut Anglos a Gallia retraheret: inter ejus fœderis Capita hoc erat præcipuum, nempe ut Galli et Scoti eosdem amicos haberent et hostes, et Scoto milite perpetuo Gallus usus est; si quando sibi res cum Anglo esset; itaq; si Galliæ inferenda sunt arma, vel pro veteri patrimonio repetendo, vel si ex novis occasionibus, ut nunquam inter vicinas Gentes ex æmulatione occasiones desunt, securi sunt a septentrionali parte Angli, et nonnulli Anglorum Reges ut in Historiis proditum est, et præcipue Edvardus Anglo Saxonum Rex tres nobilissimas Regiones, Northumbriam Westmariam et Cumbriam fiduciæ nomine de se tenendas concesserunt, ut tempore Danici belli Angliam ab ea parte tuerentur; quod si ulterius insistamus, quæ res Anglos ex Normannia immo ex tota Gallia detraxit, nisi quod Angliam ex una parte Scoti ipsi armis invaderent, et ex alia parte copias auxiliares Gallo submitterent, quod Henrici 5^i^: et ejus filii Henrici 6^i^ tempore factum est? nam Henrici 5^i^: tempore Comites Buchaniæ et Duglassiæ cum decem Scotorum millibus in Gallias profecti, ad Baugium vicum Anglorum Copias cæso ipsius Henrici 5^i^: fratre Duce Clarentiæ fuderunt, et egregiam operam contra Anglos præstiterunt; sic sub Henrico 6to: Robertus Patillocus, cum quinq; millibus missus est, qui egregie rem Gallicam in Aquitania (ut dixi) promoverunt, sunt sane omnes septentrionales populi natura sua in bellum proni et ad quamvis vim *fol. 248.* sustinendam Idonei, nam ut ait Lucanus—

> Omnis in Arctois populus quicunq; pruinis
> Nascitur, indomitus bellis et martis amator
> Quicquid ad Eoos tractus mundiq; teporem
> Labitur, emollit Gentes clementia Cæli.

Notatur a plerisq in quercubus, partes quæ in Septentrionem versæ sunt rigidiores esse, et difficilius securi cædere, nec in laboribus tolerandis pares esse possunt, qui delicate et in omnium rerum affluentia vivunt, quam qui venando in Locis asperis seu montanis, corpora exercent; venatione enim et
Liv: Lib: 1: vires corporis et animi augentur, et luxus retunditur; accedat disciplina militaris Anglorum (in qua vere possum dicere eos veteribus Romanis non cedere, et ex cujus neglectu cum ex sola ferocia animorum cum hostibus dimicemus, gravissimas clades aliquando accepimus) si inquam militaris Anglorum disciplina nihil in bello timendum, hoc certissimum est, neq Gallum neq Hispanum (qui omnes fere externo et mercenario milite utuntur) posse tot suorum Gallorum aut Hispanorum copias contrahere, ut iis Britanniam audeant vel lacessere; itaq ab externo hoste sive externa potentia nihil metuendum, si inter nos dissidia cessent, et animorum Unio et conjunctio interveniat, totius Galliæ consensu Critognatus apud Cæsarem ne totum quidem terrarum Orbem putat posse obsistere et Rex in honore apud omnes vicinas Gentes erit et illas in officio continebit, ab eis donis et muneribus cumulabitur, certantibus vicinis Regibus pro ejus amicitia vel fœdere, vel si inter eos controversia nascatur, Iudex constituetur, ut Henric9 3us: aliquando inter Hispaniæ Reges et in eum tanquam arbitrum
fol. 249. Compromittent, vires ejus duplicabuntur, si quid ex veteri patrimonio ademptum facilius recuperabit.

Si Britannia in plura Regna hodie esset dividenda ut in Heptarchia factum est, et rogarentur vicini, quid de ea distractione sentirent, procul dubio omnes eam maxime probarent, sic enim, cum singulis sibi rem futuram putabunt, et per partes facilius esse carpere, quod totum divellere non poteris, vis unita fortior est quam dissipata, et ignis quo in plures partes recedit, eo minus vigoris aut potentiæ habet. Henricus 8us Angliæ Rex, cum in Colloquium cum Francisco Galliæ Rege discendisset, locusq inter Galetes et Ardeam eidem colloquio designatus, et uterq Princeps magnificentia inter se certaret, adferri ex Anglia curaverat Henricus et in planitiæ [*sic*] illa extendi Ligneum Palatium, quod in Anglia fabricatum, Amplissimarum Ædium speciem præbuit, in hujus palatii porta exteriore, sive in Palatii frontisspicio, stabat

Statua Sagittarii, Arcum una manu, altera Sagittam tenentis, cum hoc elogio (cui adhæreo præest) nam graves simultates tum inter Carolum Cæsarem et Gallum intercedebant, et cupiebat uterq; Anglum in suas partes pertrahere, quod Henricus Tacite innuens, eo frontispicio palatii sui partem exteriorem insignivit; id altius in venientum [*sic*] Gallorum et abeuntium mentes insederat et frendebant omnes, qui Regem et nobilitatem Anglicam invisebant, dum Elogium illud auræis literis conscriptum prætereuntes legerent, præcipue Francisci Regis principis magnanimi tacitum Cor bilis urebat, quasi sine Anglorum Auxilio Cæsari resistere non posset; itaq; festinatis omnibus ob quæ venerant et exulceratis animis, *fol. 250.* Reges licet probe dissimulantes discesserunt, nec pax quæ antea convenerat fuit diuturna, sed bellum inter Anglum et Gallum recruduit. Audivi sæpe ab Iohanne Borthuico uno Nobili qui in Comitatu Regis Galliæ tum erat et ordines apud eum ducebat exclamasse ffranciscum Regem, quam Anglus animo intumesceret si totam Britanniam possideret qui tantos jam spiritus induit, cum Dominus sit solius dimidiæ, neq; unquam Arcitenentem illum ejus exulcerato animo excessisse retulit, et proinde omni studio conatus est (ut dixi) ne unquam tota Britannia sub uno capite coalesceret: recte itaq; Homerus

συμφερτη δ' ἀρετη πελει ἀνδρων και μαλα λυγρων.

Nota est Historia Siluri Regis Scythiæ, qui cum 70 liberos haberet, moriturus totidem hastas (alii sagittas volunt) uno fasce colligatas ad se adferri jussit, et rogasse fortissimum quemq; librorum [*sic*], ut eas simul colligatas, si fieri possit confringeret; illis nequicquam tentantibus, ipse dissolvi et singulas ad se adferri jussit, quas cum facile confregisset, mirantibus Liberis, quid eo paradigmate significaret, sic inquit inter vos erit, nam quamdiu uniti et conjuncti invicem vixeritis, nulla humana vis poterit vos expugnare; si conjunctionem et Unionem dissolvatis, facilis eritis præda vicinis Gentibus, etiam imbecillioribus, et in fumum omnes evanescetis citissime.

fol. 251.

Quibus modis et Vinculis hæc Unio seu Conjunctio in perpetuum firma et solida poterit retineri.

CAP: 12[7]:

Superest ut supremam manum sive colophonem huic opusculo imponamus, ut modos et media (quæ in Scholis dicuntur) quibus hæc Unio amantissme contracta, solidissime retineri possit, expediam. Qui locus ab omnibus quos scio qui de hac Unione scripserant prætermissus est, quod fieri non debuit; rari enim erunt quibus Unionis nomen sive perpetuæ concordiæ et amicitiæ vinculum non placeat; at cum in rem ipsam discenderint in conditionibus parum æqui rerum erunt æstimatores; neq, tamen hæc quasi a me dicta quis putet aut æstimet, neq, enim is sum, qui id mihi ascribere audeam, aut quasi Leges huic Unioni præscribere; sed quæ a viris maximis et rerum Britannicarum et Ingeniorum satis peritis acceperim (cum sæpe mihi ut præsens essem contigisset dum sermones inter se de ea re conferrent): Illud itaq, in primis recordandum de duarum Gentium animosarum et ferocium, et maximis inter se odiis et inimicitiis antea ab ipsis incunabulis imbutarum, perpetua reconciliatione hic agi; in quo exulcerationes omnes

fol. 252.

animorum priores sæpeliendæ sunt, ut igitur hæc reconciliatio solida et perpetua sit, duo præcipue observanda sunt, primum ut id utriusq, Gentis dignitate servata fiat, secundum ne alterius Gentis deterior inde fiat conditio; In primo omnia ita componenda sunt ut in Æquali dignitate utrumq, Regnum uniatur; nam si quis occasiones bellorum, quæ frequentissima inter utramq, Gentem intercesserunt, diligentius excutiat, nullam aliam inveniat, nisi quod Anglus parem in Insula, Scotus superiorem ferre non possit; itaq, omni studio cavendum est, ne alteri alteris præponantur, quod tempore Edvardi 6[i]: maxime illi Unioni quæ tum coitura putabatur obstabat; nam Ecclesiastici (qui ordinis sui et dignitatis ruinam ex ea Unione metuebant) perpetuo auribus nostrorum instillabant, nihil aliud Anglos sub illis verborum illecebris et ficta Unione moliri,

utriusq, Gentis dignitas illibata servanda et ne alteri, conditio deterior fiat.

nisi ut servitio perpetuo nostros sibi subjiciant, satis gnari nihil nostrorum animis ingratius esse servitii nomine; habeo apud me exemplar illius processus qui regnante Edvardo Primo coram Bonifacio Octavo Pontifice Romano, qui tum Avignione sedem habebat, agebatur; cum de injuria Regis Edvardi nostri graviter apud eum quærerentur, quod nulla injuria provocatus, Gentis interitum moliretur; saltem Regni Scotici sibi subjectionem peterentq; suppliciter a Pontifice omnium tum Regum, ut credebatur in Terris, Iudice; ut Edvardi violentiam reprimeret, et nisi paruerit, Sacris interdiceret, in eo processu Epistola ad Pontificem ab ordinibus Scotorum missa extat, quæ [*sic*] quamdiu centum Scotorum superessent nunquam jugum se Anglorum subituros, aut Imperium accepturos fide sancta promittebant. Summa itaq; ope enitendum est, ne Gentis alterius dignitas ex hac conjunctione deprimatur, sed ut in Edicto illo Edvardi 6[i] continetur, in hac conjunctione æqualitas, et utriusq; Regni utriq; Genti communio in omnibus servetur; satis enim a se nostri factum putabitur [*sic*], si dignitate sua quam sibi deberi ex antiquitate putant: eatenus cedant, ut æqualitas ubiq; servetur, cum vera amicitia tantum inter pares consistat, et aut pares recipit aut facit; nam ut memorat eleganter Dion Casseus[a] quamdiu utrinq; omnia sunt æqualia amicitia quoq; valet, ubi autem alter alterum excellit ibi invidia inferior premitur, Superior arrogantia et contemptu inferioris elevatur, et odiis se prosequuntur, ex quibus indignatio bella et Discordia nascuntur. Nec dissimile est, quod Chrisostomus[b] habet Diversa (ait ille) jungi non possunt, nec verum falsitas, nec amaritudinem dulcedo capit, prodit rem quemq; quod nascitur, si quando æmulo copuletur, adeo ut si bonus malo conjungatur, aut pares redduntur, aut ab invicem statim separantur, amicitia enim ut dixi vel pares recipit, vel facit. Nota est apud Livium[c] Privernatum Historia, qui cum a Romanos [*sic*] defecissent victi postea de pace cum Romanis agebant, et cum Legatus a quodam senatore asperiore in eos sententiæ authore interrogaretur, quam pœnam meritos se suæ defectionis censerent? Legatus magis conditionis in qua natus erat, quam præsentis necessitatis memor, eam respondit, quam qui se libertate dignos censerent; quo feroci responso, cum Senatus

fol. 253.

[a] Hist: Rom: Lib: 39:

[b] 4to. ad Joh: ad verba veniet hora.

[c] Decad: i: Cap: 21.

fol. 254. infestior eis factus esset Consul Volumnius, qui eos vicerat, et tamen eorum causæ faverat, ut benigna interrogatione mitius responsum eliceat, quid (inquit) si pœnam vobis remittimus, qualem vobiscum pacem habituros sperabimus, Si bonam respondit Legatus dederitis fidem et perpetuam, si malam haud diuturnam; cum hoc libero responso eos adhuc, minari bellum nonnulli senatores dicerent, et pacatos populos ad rebellionem incitari; pars tamen melior Senatus ad meliora responsa trahebat et dicebat Viri boni et Liberi vocem auditam, An credi posse ullum populum aut deniq, hominem in ea conditione, cujus eum peniteat, diutius quam necesse est mansurum? ibi pacem esse fidam ubi voluntarie pacati sunt, neq, eo loco ubi servitutem esse velint fidem sperandam esse; itaq, nec speranda est hæc perpetua inter has Gentes concordia si altera alteram in dignitate et honore ut inferiorem premat, nam velint, nolint, fateantur necesse est, tanto opibus et divitiis inferiores, aliqua tamen in re pares aut superiores fuisse, cum alioqui tantarum opum et facultatum vim ferre nequiremus; nam illis semper numerus major, stipendiarii milites, naves, publica tormenta bellica infinita, Disciplina militaris et pæcuniæ semper vis ingens et ad suos instruendos et nostros sollicitandos, et tamen fortuna prœlii et congressus in acie nunquam detrectatus, qui itaq, fieri potuit ut tot rebus inferiores tamen nostra fælicius tutati sumus quam illi immo cum non minoribus bellis et ab eisdem hostibus Scotia pulsata est, a Romanis, Saxonibus, Normannis, Danis et Britonibus ipsis; nulli tamen unquam hosti cesserit, *fol. 255.* quod de se vicini nostri non possunt vere asserere; In hac igitur unione primum sit ut ea Religio quam utrumq, Regnum hodie retinet et profitetur intacta et illibata permaneat novisq, statutis, ea non solum rata sit, sed etiam Pontificiæ Relligioni in perpetuum reditus in Insulam præcludatur: Nam prætérquam, quod Relligio sit, quæ homines maxime in amicitia et officio contineat, non solum Domino placebimus (quod primum homini Christiano in hac vita esse debet, cum omnia bona ab eo discendant) sed etiam vires et potentiam aliunde maximam pariet, et cum res in Relligione sine maximis motibus et populi offensione innovari non possunt, scimus quantus sit hominum ejusdem Relligionis numerus in Germania, Gallia

Primum vinculum religionis unio.

Hispania et ipsa Italia, quo studio et cura ad mortem inquirantur, quantus sit illius Concilii Tridentini adhuc in animis hominum metus; horum omnium se Dominum pene et caput (cum sit longe hodie potentissimus) Rex Britannus potest vere dicere, cum illis si a suis Regibus Relligionis ergo opprimantur, tutum sit ad Britannum perfugium, ut tempore Divæ Elizabethæ vidimus, nam Britanniæ Rege incolumi, se incolumes futuros haud ambigunt, eo everso, et se et pietatem pene eversam vident; est itaq; ea non parva accessio, ad Britannorum vires, si amor obsequia et spes omnes protestantum ab eo pendeant, tunc enim eum potius salvum velint, quam suum Principem, sub quo nati sunt, si is pietatem velit evertere, ut ante annos quinquaginta in Galliis contigit, hodie in Belgio.

Secundum Vinculum, ut inviolabili Sacramento omnes astringantur [*sic*] vitam, dignitatem et res omnes Principis communis, nempe Serenissimi et invictissimi Regis Iacobi nunc toti Britanniæ imperantis et ejus liberorum tueantur et defendant pro ea [*sic*] vitam fundos et facultates periculis objicere, immo et profundere parati, quemadmodum subditi Ligii ex jure Divino et municipali tenentur memores illius Virgiliami.

> secund7 principis et Liberor7 devotioni quilibet se astringat.
>
> *fol. 256.*

Rege, incolumi, mens omnibus una, amisso rupere fidem.

Quærendum enim erit si hæc nobilissimi Regis prosapia defecerit, ne rursus in duo Regna divisis priores etiam inimicitiæ recrudescant.

Tertium ut utrumq; Regnum suis Legibus et moribus regatur, nec in eis aut Iudiciorum recepta forma quicquam innovetur, sine expresso utriusq; Regni consensu et approbatione, Causæ secundum vetera statuta decidantur, sine ulteriore appellatione de Regno in Regnum, quod neutri Genti erit tolerabile, et in omnibus Unionibus, quarum antea mentionem feci, expresse vetitum; cum aliter æquo animo Unionem non essent recepturi, qui suarum Legum et consuetudinum immutationem non ferunt patienter, Et unioni hæc non nocet, si pleræq; Gentes in uno Imperio unitæ diversis tamen moribus et consuetudinibus utantur, ut antea demonstratum; nec tamen ea inter leges et mores utriusq; populi est diversitas, ut publicam reconciliationem et perpetuam amicitiam vel con-

> 3[7] ut queque gens suis legib: et morib: vivat.

tractam dissolvere, vel contrahendam impedire debeant, ut antea nisi fallor declaravi; itaq; suus cuiq; Regno mos, suus Genti cuiq; honos et dignitas salva et integra servetur, adeo ut Regi dum in Anglia sit, Angliæ Regni officiarii et ministri serviant, quisq; in suo munere et dignitate, nempe primicerius, sive Cancellarius in illius Regni negotiis in quo versatur, sic Magister hospitii in eis quæ ad mensam pertinent, Quæstor sive Thesaurarius in suis finibus munera publica exerceant [*sic*], prædiorum Iura secundum ejus Regni consuetudinem in quo Iacent decidantur.

fol. 257.

cujusque Gentiȝ Parliamentis sive Commitiis publicis, sua dignitas et authoritas servetȝ.

Sic ut in publicis Comitiis sive Parliamentis suus ordo, sua autoritas observetur, quod se facturum juravit Henricus 5[9]: cum Sacramenta fidelitatis a Gallorum proceribus reciperet, et ipse rursus præstaret, adeo quod in unius Regni Parliamento factum est, in altero Regno non possit antiquari, immo nec limitari ut aiunt, et proinde nullæ novæ Leges, nulla nova Edicta imponantur, aut vetera antiquentur, nisi ex authoritate illius Parliamenti, in quo, aut sub cujus territorio res agitur, judicia ex præscripto hujus Parliamenti exerceantur; tributa aut exactiones novæ non exigantur, bella non indicantur, nisi ex consensu utriusq; Parliamenti, nec militem externum licebit inducere, nullus damnetur nisi secundum Leges illius Regni in quo habitat, inquisitione præcedente, aut saltem ejus Loci in quo delictum commissum est forma servata.

Matrimonia et affinitas invicem contrahenda.

Ut Matrimonia libera sint, immo ut in Edvardi 6[i]: Edicto continetur a Principe ad inferiores ordines perpetuo continentur, curandum est in primis quod si apud nostrates dotis minus sit meminerunt vicini nostri, alia præter Dotem in Matrimonio requiri et saltem fæcunditatem quæ apud nostrates fæminas major est pecuniis præferant.

ut utraq; Gens eosdem amicos et Hostes habeat:

fol. 258.

Ut uterq; populus eosdem amicos et inimicos habeat hoc est ut inter utrumq; populum obligatio mutua offensionum et defensionum contrahatur, cum res in eum casum jam devenerit ut alterutrius populi offensio ad alterum pertineat, et utriq; justa arma induat. Neq; id ffrancorum Regi contra fidem priorem factum videri potest, nam licet nova fœdera ita soleant Contrahi ut priora in suo robore stent intacta, tamen hic non est fœdus, sed Unio sub uno Domino et Principe duorum populorum, quorum alteri injuria fieri non potest quin alterum

tangat; imo unus sit jam populus Unum Regnum unus Rex. qui in parte non potest offendi et jure feudali nec Vassallus qui omnia officia domino debet, et ut vitam pro ejus vita periculis objicere in omnibus et contra omnes, juvare tamen dominum, si is eum oppugnet ei injuriam faciet, bona diripiat aut invadat contra se non tenetur.

ut eodem jure uterq̧ populus censeatᷣ, tam in munerib: publicis q^m immunitatib:

Ut uno jure unoq̧ nomine si fieri possit populus censeatur (id est) ut in immunitatibus Dignitatibus officiis muneribus, tam civilibus quam Ecclesiasticis Scoti et Angli exequentur et in pari ratione et Gradu considerentur ut testatum reliquit Sanctissimus Rex Edvardus 6^tus: et ut liberum sit unicuiq̧ in Britannia nato ubicunq̧ velit habitare, sedes figere priviligiis illius Loci et eodem jure cum civibus frui, Mercaturam aut aliud quodcunq̧ Vitæ genus exercere, eodem modo ac si ipsi et eorum parentes ibi nati et educati fuissent; sic et familiam et patrimonium augere, res immobiles, fundos, prædia, tam urbana quam rustica acquirere; ex quocunq̧ titulo, quo jure Gentium dominia rerum solent acquiri, tam ex testamento quam intestato tum ex emptione, venditione permutatione Donatione Licitatione et aliis modis obligationum, ex quibus actiones jure civili aut municipali nascuntur, præcipue in successionibus, ut Liceat Anglis et Scotis sibi invicem succedere et utrisq̧ in mari quod alteri Regno adjacet, in fluminibus Lacubus stagnis aquæ Dulcis pisces salire, seu condire, vendere et distrahere pro arbitrio, sublatis utrinq̧ vectigalibus et portoriis, quæ discrimen aliquod inter Gentes faciebat, sic ubi appulerint alimentis juvari suis sumptibus nec majoribus portoriis et exactionibus gravari, quam si in ea Regione ut dixi nati essent. *fol. 259.*

Statuta oĩa antiquanđa que differentiam inter Scotos et Anglos indicant.

Omnia acta et statuta horum prohibitiva rescindantur et antiquentur cum ratio quæ mutuas successiones ante prohibebat aut quæ alterius Principem [*sic*] hominem Ligium vetat homini ligio alterius Principis succedere, ne alimentum belli et materiam præberet nunc cesset et uterq̧ populus hodie subditi ligii unius sunt Principis.

idem valor utriusq̧ monetæ.

In moneta idem valor, idemq̧ præcium quod nunc in futurum servetur, neq̧ liceat monetæ valorem sub nova quacunq̧ forma excudenda, valorem aut quantitatem immutare ut pondera mensuræ et nummorum ratio utrinq̧ exequetur:

Fugitivi ex uno Regno in altero non recipiantꝫ.

Fugitivi alterius Regni in altero non recipiantur neq; perfugium habeant, sed conquirantur donec deprehensi exhibeantur vel coram Iudice illius Regionis in qua deprehensi sunt, aut in qua crimen commissum est, ex arbitrio actoris.

Regni administratio absente Rege, Cancellario et publicis Regni Consiliariis committatur, et ejus Regis titulus in Edictis seu Proclamis (ut Doctores nostri loquuntur) præponatur in cujus Regno res geritur.

Duella pro dignitate alterutrius gentis sub maximis pœnis prohibeantur, sic et gravi pœna verba contumeliosa, quæ ad iras provocare homines solent.

fol. 260.

Ut annales si fieri possit tam Anglorum quam Scotorum revolvantur et purgentur, si quod falsum si quod contumeliosum in eis sit tollatur quanquam Nostri in Historiis multo sunt temperatiores et nova totius Britanniæ Historia servata veritate publicetur.

Rex singulis trienniis unum annum in Scotia moretur, et donec commorabitur Officiarios aulæ suæ habebit ex Scotia natos, aut electos, Magistrum aulæ sive hospitii, Marescallum, Iusticiarium et cæteros Ut in Unionibus trium Aquilonarum Regionum, et Lithuaniæ cum Polonis cautum antea monui.

in orāne ad Archidamum.

Præterea in omnibus actionibus, ut alter populus alterum colat, foveat et promoveat rectum et æquum faciat, cum Deus semper faveat Iusticiæ, et (ut Isocrates ait) nullo fœdere in nullis sociis plus esse constantiæ et præsidii quam in justis actionibus, consentaneum enim est Deorum immortalium benevolentiam non defuturam. Præcipue vero enitendum ne nimia pacis assentatione et blandimentis armorum studia deponamus, et sic in utramq; (ut aiunt) aurem dormiamus ; nam habent vicini omnes hoc sibi proprium, ut in Regnis suspectis, et a quibus sibi metuant, seditiones perpetuo ferant [*sic*], vel si indigenas movere nequeant, inimicis eorum occulte faveant, ut eorum vires frangant, et conminuant, ut tuti adversus eos sunt ; aut si occasio occurrat, si in re militari negligentes, et insolentes deprehendant, ut ipsi etiam aliqua ex parte adoriantur ; debilis erit Britannorum inter se pax sine continuo armorum exercitio, neq; sine eis certa erit unquam quies. Non ignavia ait

Lib: 5: Anali7.

Tacitus, magna Imperia retinentur, sed virorum et Armorum faciendum certamen, longa pace deses et oblita bellorum Gens

facile cuivis prædæ est et neglecto armorum exercitio, multas Gentes periisse certum est. Cyrus, victo Crœso, consultans *fol. 261.* quibus mediis Lydos, gentem tum ferissimam, in officio contineret Responsum tulit, si adempto armorum usu, Histriones, Comedias, et musicam eis permitteret, ut eis tanquam illecebris irritati, belli curam et studium omnino exuerent: Sic Virgilius dum ignaviam Numanus Trojanis objicit:

> Tibia vos buxusq; vocat Berecinthia matris
> Ideæ, sinite arma viris, et cedite ferro.

Secundæ nimirum res etiam per quam sapientum animos frangunt, est ergo militaris disciplina in summa tranquillitate colenda pacis publicæ confirmandæ causa.

Super omnia timendum et cavendum est ne nimio otio et militiæ dissuetudine in Luxum degeneremus, et mensarum delicias et varietates, quas homines perditi humanitatem vocant, ut ex Tacito antea recitavi, ex nimia securitate sectemur, et masculi hominum nostrum mores corrumpantur. Nimia securitas frequentissimum calamitatis initium, et nemo celerius opprimitur, quam qui nimium sibi confidit et nihil timet, cum mala unde minime expectentur sæpius erumpant, et brevibus momentis etiam summa possunt everti, et quanto major fortuna, tanto mutationibus magis obnoxia. Subeat animum Romanorum Imperium, nam remoto Carthaginis mætu, sublataq; Imperii Æmula, non gradatim sed præcipiti cursu, a virtute descitum est, et ab armis ad Voluptates transcursum. Et raro magna Imperia quiescere solent; nam si foris hostem non invenerit in se et sua viscera convertuntur; ut prævalida corpora quæ ab externis causis tuta videntur suis ipsa viribus aliquando corruunt. Exemplum Domesticum habemus; Cavit testamento Rex Robertus Primus ne pacem *fol. 262.* cum Anglis, licet longe potentioribus aut Inducias supra triennales Scoti unquam contraherent, conscius si Scoti hostem externum non habeant, Seditionibus et intestino bello inter se arsuros, quod omni externo bello Gravius, et omnis Reip: venenum: Itaq; licet externi hostis nullus hodie sit metus, et fortasse nullus sit qui non pacem blandiendo emendicabit, tamen ex armorum apud nos dissuetudine in spem erecti rerum novandarum arma aliquando possunt induere, id facile cave-

bitur, si omnes militares Leges, quæ in Britannia unquam in usu fuerant, rursus revocentur; Lustrationes perpetuæ sint exercituum, ut in hac ipsa tranquillitate aciem instruere, ordines servare, arma assidue tractare consuescant, ne qui animis nulli Genti postponendi socordia et dissuetudine aliquando vincamur et ad Labores et pericula sustinenda minus idonei evadamus. Erit etiam e re Britanniæ, ut aliquot turmas equitum et peditum continuo sub armis habeant, quos quoniam in pace alere grave est, saltem externis Principibus militare patiantur, aliquot etiam præsidiarias cohortes inter ferociores Gentes alantur, et mittantur, immo eorum præsidiis imponantur, sub veteri Anglorum militari disciplina, in qua nec Romanis antiquioribus nec Hispanis hodie nec ulli gentium his aliquot Seculis cesserunt, Amicitiæ etiam veteres et novæ retinendæ et non negligendæ.

Hæc sunt quæ partim aliarum Gentium societates et conjunctiones legendo, partim sermones conferendo, maxime in
fol. 263. rem præsentem videbantur conducere, ne quis me putet vel Leges huic Unioni futuræ velle præscribere, aut modum aut Regulam aliis vel in dicendo vel in scribendo ponere, non ea mens, non in mente ea fuit unquam arrogantia, ut cuiquam, qui melius quid adduxerit vellem præjudicari, immo si quid inconsulto elapsum, aut ab ipsa de qua agitur re alienum videbitur, ut lector in eo facilis sit, et in meliorem partem vertat, etiam atq; etiam rogo. Me sane ad hoc Scriptionis genus nihil tam movit, quam ne tot vicinis in hoc negotio occupatis Nostrates studio deesse viderentur, et tacito silentio tot votis optatam hanc unionem quasi damnare. Diogenes ne nihil agere Republica turbata videtur [*sic*], dolium suum versabat. Ipse sane sic sentio, quicunq; veræ Pietatis cultor est, quicunq; patriæ suæ est amans, nullum studium, Laborem aut Industriam remittere debet, ut hæc Sanctissima sub uno Domino Unio in perpetuum conservetur, cujus Unionis filia semper fuit Imperii incrementum; nam ex hac Unione (ut dixi) civibus et indigenis perpetua requies nascetur, hominum inquietorum insolentia reprimetur, scelera coercebuntur, bonos et eos solos præmia manebunt certissima, hostes timor continuus invadet, ne Britannici Regni magnitudo rebus suis officiat pax et omnia ejus commoda affluent: Bellum cum suis Comitibus et satel-

licio, fame Gladio, incendiis, vastatione pecorum, raptu Matrimonii et Virginum violatione perpetuo exulabunt.

Laudabile igitur et omni annalium memoria dignissimum, Reges [*sic*] post homines natos optimi propositum est studium, cum communis utriusq; Regni pater et Dominus natus sit; in illud omni cura et sollicitudine incumbit, urget, instat, ut utriusq; Regni perpetua sit amicitia et indissolubile per hanc unionem vinculum; cum pari erga utramq; Gentem amore afficiatur, huic patriæ in quo natus est quæ eum et ejus majores primos Regnantes viderat, illinc recentes [*sic*] beneficii memoria perpetuo occurrat, ut tandem positis odiis et simultatibus, quæ inter finitimos sunt frequentissima *fol. 264.*

IN SINCERA ET PERPETUA PACE, SUB EJUS ET LIBERORUM IMPERIO FÆLICISSIMO CONQUIESCAMUS; QUOD UT EVENIAT DEUS OMNIBUS PRECIBUS EST IMPLORANDUS.

TRANSLATION

A TREATISE ON THE UNION OF THE BRITISH REALMS

CHAPTER I

The separation of the crowns of the island is the cause of all the calamities that have befallen Britain.

DEVOUTLY is it to be hoped that the recent union of the crowns of England and Scotland, so often longed for, so often worked for, may prosper Britain and her inhabitants, consummated as it has been by the beneficence of Almighty God, the auspices of our most august King James, and with the approval of all classes. If ever there was a time when Britain had reason to be thankful for her good fortune it was on that recent occasion. And if that event is not a matter for justifiable rejoicing, then truly is it difficult to imagine that the future holds one more worthy of it. For, after the turmoils of the past, the conflict of civil war, the commotion of intestine discord, Britain, did she but realise her good fortune, has put behind her her misfortunes and calamities, and lies harboured in prosperity and security; just as sailors, their long and stormy voyage over, furl their sails and enjoy the security of the longed-for haven. But mankind is prone to remark its woes more readily than its good fortune, and churlishly thankless for the favours of the present, to blot from remembrance those of the past. Our neighbours anxiously watched the closing of the reign of the most august Queen Elizabeth, anticipating commotions in our island. Particularly alert were those unprincipled persons who had an opportunity to convert public misfortune to their own gain, to mould a faction to their interest, haply with the chances in their favour, and

Britain's present most happy state.

fol. 2.

to exploit the woes of others to their own ends. But to protect our cherished island from the spite of the foreigner and from civil war (than which no less was apprehended in England and elsewhere), the Council, acting at once with prudence and justice, without delay or hesitation proclaimed as king and master him to whom the succession absolutely belonged by right divine, natural, civil, and municipal. Thereby their wisdom overreached the busy schemes of those who sought occasion to profit by Britain's misfortunes, and prevented any one from making her troubles the opportunity for private advantage.

There is no land whose teeming prosperity has so often invited invasion, and sometimes suffered it, as England. But I aver that to all the evils which Britain has undergone, the plurality of her kings and kingdoms has opened the door. That this may be patent to all, I propose to display the shifting history of Britain from its origins, so far as it has been recorded. For though the recollection of them be sad, the warnings of the past are of value as guidance for the future.

The whole of Britain never yet under one king. *fol. 3.*

Until our own days Britain has never been under one king or governor. Obscurity rests upon her early history and record throws no light upon it; just as the springs of the greatest rivers cannot be traced, and the source of Nile, the greatest of them, is unknown. Plutarch avers that before the days of Theseus the history of Greece, famous as it became in deeds and letters, was shrouded in darkness.[1] Such an example relieves me of the charge of belittling the early history of Britain. Haply there are those who accept the story of Brutus. I shall not challenge them, provided they hold with me that his asserted division of Britain among his three sons, to the eldest of whom, Locrin, he gave superiority, was an error of judgment; for it is a woeful tale of disasters and civil wars that resulted from that step. At the same time I hold the asserted political division of Britain by Brutus to be exceed-

Plutarch's *Theseus.*

[1] 'I, in my writings on Parallel Lives, go through that period of time where history rests on the firm basis of facts, and may truly say, All beyond this is portentous and fabulous, inhabited by poets and mythologers, and there is nothing true or certain' (Ed. Bohn, vol. i. p. 1).

ingly improbable, since his alleged superiority over, and even his rule in Britain, are not recorded until the time of the Lombards, nearly two thousand years after Brutus lived.[1]

Britain divided before Cæsar's arrival.

Let us, then, consider the actual state of Britain from the earliest times, so far as it can be deciphered in written records. That Britain was ruled by more than one king is clearly stated by the Dictator Cæsar, who twice invaded the island with an army. His first expedition was not successful, as was admitted even by his warmest friends at Rome, and is stated by Cicero,[2] and also by Lucan in the following line :—

Territa quesitis ostendit terga Britannis.[3]

In fact, not a few Roman writers conclude that Cæsar achieved very little in either of his expeditions. Tibullus, who lived under Augustus, has this statement regarding Britain :—

Te manet invictus Romano Marte Britannus.[4]

He calls the Britons unconquered, and would hardly have done

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[1] The Brutus legend was popularised by Geoffrey of Monmouth (died 1155), and was first published in his *History of the Kings of Britain.* Through the Anglo-Norman translátion of Wace (fl. 1170) the legend was familiar to Layamon, a priest of Arley Regis, Worcester, who wrote the vernacular poem, the *Brut*, early in the thirteenth century. The following is the tradition challenged by Craig: 'And whan Brut had sowte all the land in lengthe & brede, he fonde a land that ioyned to Brytaigne in the north ; and that land Brut zaf to Albanac his sone, and he lete calle yt Albanye after his name, that now is called Scotland. And Brut fonde anothir Cuntre toward the west ; & that he zaf to Cambre his other sone, and he lete calle yt Cambre aftyr his name, & now is called Walys. And whan Brut had regnyd xx zeer . . . Lotryn, Brutes sone, was Crowned kyng with myche solempnyte of all the land of Brytaigne' (*The Brut*, ed. Early English Text Society, vol. i. p. 12).

[2] See below, p. 210, note 3.

[3] The complete passage is as follows :—

Cæsarne senatus
Victor erit? non tam caeco trahis omnia cursu,
Teque nihil, Fortuna, pudet. Multisne rebellis
Gallia iam lustris ætasque inpensa labori
Dant animos? Rheni gelidis quod fugit ab undis
Oceanumque vocans incerti stagna profundi
Territa quaesitis ostendit terga Britannis?'
(*De Bello Civili*, lib. ii. 566-72.)

[4] Lib. iv. *Carm.* I. 149.

fol. 4 so if they had in fact been subjugated by Cæsar. But Seneca, in the second scene of *Octavia*, is more definite :—

> Teque extinxit, miserande Pater,
> Modo cui totus paruit Orbis
> Ultra Oceanum
> Cuique Britanni terga dedere,
> Ducibus nostris ante ignoti
> Jurisque sui.[1]

In this passage he states not only that the Britons were independent, but that they were almost unknown to the Romans till the reign of Claudian. In a later passage he is more precise :—

> En qui Britannis primus imposuit jugum,
> Ignota tantis classibus texit freta,
> Et saeva maria, conjugis scelere occidit ;
> Mox illa gnati, cujus extinctus jacet
> Frater venenis. [2]

Letter to his brother Quintus, Bk. iii.

Here it is distinctly averred that Claudius Cæsar was the first to subjugate the Britons, a statement difficult to reconcile with Cæsar's own account. Indeed from the letters of his brother Quintus, who served under Cæsar in Gaul and Britain, Cicero states that in regard to Britain Rome had little cause for congratulation or the reverse.[3] It therefore seems reasonable to hold that Cæsar's victory was neither complete nor as considerable as he would have us believe.[4] Bede, in fact, the earliest English historian, declares that the Britons defeated

Bk. i. chap. 2.

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[1] An alternative reading is :—
> Cuique Britanni
> Ultra Oceanum terga dedere' (*Octavia*, ll. 25-30).

[2] Craig has omitted a line. The passage should read as follows :—
> En qui Britannis primus imposuit jugum,
> Ignota tantis classibus texit freta
> Interque gentes barbaras tutus fuit
> Et saeva maria,' etc. (*Octavia*, ll. 41-46).

[3] Cicero writes to his brother : 'De Britannicis rebus cognovi ex tuis litteris nihil esse nec quod metuamus, nec quod gaudeamus' (lib. iii. *Ep.* I.).

[4] Cæsar, in fact, does not represent his achievements in Britain as a conquest of the island. Concluding the account of his second expedition, his one note of congratulation is addressed to the fact that he had not lost a single ship conveying soldiers (*Comm.*, lib. v. cap. 23).

Cæsar in his first battle against them.[1] But the point is irrelevant to the issue before us—that Cæsar himself, whom Tacitus praises very properly as the prince of authors,[2] states that before his arrival in Britain the island was divided in allegiance to several kings, of whom there were four in Kent alone,[3] which is but a small part of the island. He also says that while he was still in Gaul, and before he embarked for Britain, he received envoys from several British states, who offered hostages and promised obedience to the Republic. Such proceedings would not have been possible if the island were then subject to a single ruler, nor would his subjects have dared to take such a course.[4] Cæsar also mentions a particularly *fol. 5.* powerful kingdom, that of the Trinobantes, whose king Imanuentius was slain by Cassivellaunus, his son Mandubratius finding refuge with Cæsar in Gaul. The Trinobantes promised to submit to Cæsar's direction, and begged him to restore Mandubratius to the throne, and to shield him from the vengeance of Cassivellaunus.[5]

It is therefore obvious that at that time Britain numbered several states, each under its own king, at strife one with another, each plotting its neighbour's ruin, some ready to engage Rome in their quarrel, others as resolved to undergo any misfortune rather than submit to Roman subjection. Thus the dissensions of the island paved the way for Cæsar's invasion. It is true that Cæsar does not mention Cassivellaunus in his first expedition, and he certainly would have done so had he come in contact with him. For Cæsar was greedy for glory, and it would have seemed more creditable to have fought

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[1] Bede, who cannot be regarded as an authority for the period, says that the Roman force was roughly handled (*Eccl. Hist.*, Bk. i. chap. 2). Cæsar himself admits the fact (*Comm.*, lib. iv. cap. 26).

[2] 'Validiores olim Gallorum res fuisse summus auctor divus Iulius tradit' (*Germania*, cap. 28).

[3] He gives their names as Cingetorix, Carvilius, Taximagulus, and Segonax (*Comm.*, lib. v. cap. 22).

[4] 'Interim consilio eius cognito et per mercatores perlato ad Britannos a compluribus insulae ciuitatibus ad eum legati ueniunt, qui polliceantur obsides dare atque imperio populi Romani obtemperare' (*Comm.*, lib. iv. cap. 21).

[5] Cæsar terms the Trinobantes 'prope firmissima earum regionum civitas' (*Comm.*, lib. v. cap. 20).

a chivalrous prince than a leaderless, standardless, undisciplined rabble, retreating to cover before his advance, issuing from it in loose order, and venturing only upon skirmishes. In his second expedition Cæsar certainly mentions Cassivellaunus, though he does not call him king. Nor does Bede. Cassivellaunus is merely styled commander of the army which fought against Cæsar, of which, with the conduct of the war, he was given full control by those against whom he had been to that point persistently warring. It is therefore clear that it was not as king of the island that he directed the resistance to Cæsar, but under authority delegated to him by the other chiefs.[1]

Britain's first catastrophe. *fol. 6.*

Thus, the British kings being at variance, some proffering hostages, others tribute and allegiance to Rome, they and the island fell a prey to the Dictator. We have Cæsar's own testimony to the fact that the island was densely populated,[2] and that he would not have ventured to attack it with but two legions under full strength had its population been united under a single sway. But Tacitus leaves no room for doubt on the matter in the following passage: 'Olim regibus parebant, nunc per principes factionibus et studiis trahuntur, nec aliud adversus validissimas gentes pro nobis utilius quam quod in commune non consulunt. Rarus duabus tribusque civitatibus ad propulsandum commune periculum conventus; ita singuli pugnant, universi vincuntur.'[3]

Tacitus's *Life of Agricola.*

Had there been but one king of the island and a single directing authority, the islanders would have fought shoulder to shoulder and not separately. But after all, we cannot be surprised that the condition of Britain was similar to that of her neighbours. In Gaul, as is clear from Cæsar,[4] there were as many kings as there were provinces. Spain, as we gather from Livy, was in a similar divided state. As to Germany,

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[1] Cassiveliaunus is mentioned by Cæsar for the first time in lib. v. cap. 11. His position is thus defined by Cæsar: 'Maiores iam undique in eum locum copiae Britannorum conuenerant summa imperii bellique administrandi communi consilio permissa Cassiuellano.'

[2] 'Hominum est infinita multitudo creberrimaque ædificia fere Gallicis consimilia' (*Comm.*, lib. v. cap. 12).

[3] *Agricola*, cap. 12.

[4] See *Comm.*, lib. vi. cap. 11.

we have it on the weighty authority of Tacitus that there were several kings;[1] indeed, according to Vopiscus,[2] nine kings submitted to Probus Cæsar. In Illyria there were five. In Greece seventy kings banded against Troy. Ireland was ruled by several kings, says Tacitus of his own period,[3] and when Henry II. invaded that island its annals show that a similar condition obtained, and Henry therefore had the less difficulty in achieving its subjection.[4] His *Germania.*

It is, therefore, obvious that the weakening, or rather dissipation, of Britain's power of resistance facilitated the Roman invasion, and that a plurality of leaders made the victory an easy one. Each thought himself equal to the contest, and his self-deception involved the ruin of all. Tacitus, however, declares that Cæsar opened to Rome the door of Britain rather than conquered it.[5] And in fact, after his departure,[6] we have no record by Roman historians of a Province of Britain, or of legates or proconsuls being sent to the island, or of tribute being wrung from it. Both Augustus and Tiberius left it alone, and Strabo's statement, that Augustus was friendlily disposed, and accepted gifts in place of an enforced tribute, confirms the inference that the island was left undisturbed. Lib. iv.[7]

Throughout the reign of Augustus peace with Britain continued, and it was maintained by his successor Tiberius, who, according to Tacitus, followed the precepts of his predecessor as though they were oracular.[8] Claudius, as Tacitus writes, *fol.* 7. *Life of Agricola.*

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[1] *Germania*, cap. 7.

[2] Vopiscus quotes the letter of Probus to the Senate: 'Subacta est omnis, qua tenditur, late Germania, novem reges gentium diversarum ad meos pedes, immo ad vestros, supplices stratique jacuerunt' (*Hist. Aug. Script. Sex.*, vol. ii. p. 219).

[3] *Agricola*, cap. 24.

[4] Henry visited Ireland in 1171.

[5] 'Igitur primus omnium Romanorum divus Iulius cum exercitu Britanniam ingressus, quamquam prospera pugna terruerit incolas, ac litore potitus sit, potest videri ostendisse posteris non tradidisse' (*Agricola*, cap. 13).

[6] Cæsar left the island finally in 54 B.C.

[7] Strabo, lib. iv. cap. 5. Strabo finished his work *circa* 19 A.D. Roman relations with Britain were not resumed until 41 A.D.

[8] 'Mox bella civilia, et in rem publicam versa principum arma, ac longa oblivio Britanniae etiam in pace. Consilium id divus Augustus vocabat, Tiberius preceptum' (*Agricola*, cap. 13).

attacked Britain, subdued part of the country and its kings, and having triumphed over the king of the Orkneys, assumed the title Britannicus.[1] Thereafter Britain was administered by Roman officials, and paid tribute. But the island did not tamely submit to the Roman yoke. In Nero's reign 70,000 Romans were massacred by the Britons under Voadicia[2] (whom Dion calls Bunduica[3]), though only a part of the island took part in the rebellion.[4] Suetonius Paulinus promptly avenged the disaster, and put 80,000 Britons to death. Severus, again, lost 50,000 men during his fruitless invasion of Caledonia.[5] Indeed Severus himself (who undoubtedly died in Britain) is declared by the Westminster historian[6] to have been killed by Fulgentius, the leader of the Britons and their allies the Picts and Scots. More of his men were cut off by the Picts and Scots when York was besieged by Fulgentius, besides the losses incurred by the Romans in their battles with Caratacus and Galgacus. During this period the Romans, owing to the multiplicity of their concerns, made a point of cultivating friendship with some of the British states lest they should be involved in war with them all. King Togodumnus, for instance, according to Tacitus,[8] was a firm friend of Rome, and Prasutagus, king of the Iceni, was her ally, and at his death made Rome his heir. So, too, the Roman legates or proconsuls (Britain was a proconsular Province) during their term of office bought the

Fox's *Book of Martyrs*.[7]

[1] Neither Tactitus (*Agricola*, cap. 13) nor Dion Cassius (*Hist. Rom.*, lib. lx.) authorise Craig's incorrect association of the Orkneys with Claudius. Craig has been misled by Bede, lib. i. cap. 3.

[2] The revolt of Boudicca—the more correct form of her name—took place in 60 or 61 A.D. The alleged mortality comprehended, of course, other than those of Roman birth. See Tacitus, *Agricola*, cap. 16, and Dion Cassius, lib. lxii.

[3] Βυνδυίκα.

[4] The Iceni and Trinobantes bore the brunt of it.

[5] Severus's campaign in Scotland took place *circa* 209 A.D. His losses (for which Dion Cassius, lib. lxxvi., is the authority) are probably exaggerated.

[6] *Flores Historiarum* (Rolls Series), vol. i. p. 150. Dion Cassius, lib. lxxvi., does not confirm Matthew of Westminster's statement.

[7] Vol. i. (ed. 1843), p. 163.

[8] Togodumnus was the son of Cunobelin and brother of Caratacus. Tacitus (*Agricola*, cap. 14) supports Craig's statement, but Togodumnus was overcome by Aulus Plautius in 43 A.D. See Dion Cassius, lib. lx.

friendship of some tribes, and were thereby free to attack others and enhance their own reputations. In this manner the kings of the Brigantes, Silures, Caledonii,[1] Ordovices, and Trinobantes were dealt with, and as none helped his neighbour with arms or counsel, the whole of southern Britain passed under the yoke of Rome. How truly does its history exemplify our Lord's saying: 'Every kingdom divided against itself is brought to desolation.'[2]

So soon as the Britons passed under the sway of Rome they adopted her culture, and with it, says Tacitus,[3] effeminate practices and luxurious habits which people call refinement, but which are in fact perniciously harmful. Throughout almost the whole period during which Britain was a Roman province its history is a blood-stained record of massacre and butchery. The plurality of kings invited that fate, as I said. But whether kings were suffered to exercise authority throughout the whole period of four hundred and ninety years (counting from Cæsar's first invasion; twenty years less according to some),[4] I leave those who hold that opinion to prove. For my own part the coincident authority of British kings and Roman officials seems improbable, and indeed impossible; since the existence of the one necessarily postulates the non-existence of the other. *fol. 8.*

The subjugation of Britain by Rome was the first catastrophe which befell the island. The severity of it, as Gildas describes it,[5] fills the reader with horror; and it was

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[1] There is no evidence whatever that the Romans ever possessed in Caledonia a tribe of friendlies such as were the Trinobantes in South Britain after Cæsar's departure.

[2] St. Matthew xii. 25.

[3] *Agricola*, cap. 21. Craig quotes Tacitus somewhat loosely. The original is as follows: 'Inde etiam habitus nostri honor, et frequens toga, paulatimque discessum ad delenimenta vitiorum, porticus et balnea et conviviorum elegantiam; idque apud imperitos humanitas vocabatur, quum pars servitutis esset.'

[4] Adopting the date 407 as that of the departure of the legions from Britain, 462 years fell between that event and Cæsar's first expedition. Bede (Bk. i. chap. 11) is very nearly accurate in separating the two events by 'almost 470 years.' Craig clearly is following Gildas (*De Excidio Britanniæ*, sec. 20), and regards the letter to Aetius, *circa* 426, as terminating the Roman connection. The words 'according to some' refer to Bede.

[5] *De Excidio Britanniæ*, sec. 7 *et seq.*

nothing else than her political divisions that delivered an otherwise powerful island to such a fate.

Britain's second catastrophe.

Her second catastrophe befell Britain at the hands of the Picts and Scots. In duration it was shorter: it lasted thirty or at most forty years.[1] It was also less severe, since the scourge fell only on those who were Roman subjects.[2] For, when the power of Rome was declining, the Scots and the Picts, perceiving the province abandoned and defenceless (such was the penalty for vacillation and dissension), invaded it in hope of plunder, and marched from end to end, says Gildas, contemplating a permanent occupation of it.[3] When I speak of Britain here I refer to the southern part of the island, the Roman Province, below the Roman Wall. Bede and other early English writers also restrict the name Britain to the actual Roman Province. For the northern part of the island had long been in the occupation of the Scots and Picts, and in several passages is treated by Bede as separate from Britain Proper.[4] Our authorities tell us that the Scots were summoned by the Britons to aid them to throw off the Roman yoke, and that when that was accomplished they received part of the country as their reward.[5] This seems not improbable, and the districts assigned to them were the counties afterwards called Northumberland, Cumberland, and Westmorland. To this day the Scots have continued to

De Excidio Britanniae.

fol. 9.

[1] *I.e.* from the departure of the Romans to the coming of the English.

[2] Craig probably means that the invaders were animated less by hostility to the Britons than by desire to loot the chief centres of Roman occupation and wealth.

[3] *De Excidio*, sec. 16.

[4] See particularly Bk. i. chap. 12.

[5] Craig has used as his authority Boece (Bk. vii. chaps. 16, 17), who says that before their appeal to Aetius, the Britons offered the 'confiderat Kingis of Scottis and Pichtis' the lands 'hand beyond Humber' if they would 'desist fra truble of thaim in times cuming.' The Scots and Picts answered that 'they wald not ceis fra thand slauchter and heirschip of Britonis, quhill othir thair realme was conquest, or ellis freiy randerit to thaim.' War was renewed, the Britons were vanquished, and were allowed to make peace only on condition that they would never receive a Roman 'capitane with armyis above thaim in Britane': closed their land against all 'Romanis, Gallis, Saxonis,' and other enemies of the Picts and Scots; and conveyed the lands north of the Humber 'perpetually under the empire of Scottis and Pichtis.' The story, it is not necessary to more than state, is not tenable.

advance some claim to that part of England. But whether the story is true or not, there is unanimity among such writers as Gildas,[1] Bede,[2] Paulus Diaconus,[3] and many others, that Britain was in hapless plight; that the attacks of the Scots and Picts upon her were most persistent; and that the Britons, driven by their foes to the sea, and from the sea to meet their foes, were irresolute whether they should give their lives to the sea or to the sword.[4] It must be admitted that some English writers doubt the ability of such weak tribes to harass Britain; and undoubtedly if the island had been under united rule it would have been saved from the catastrophe.

As so often is the case, the past handed on its legacy of disaster to the future. The scourging of the island by the Picts and Scots was followed by a calamity far worse. For deserted by the Romans, driven to the coast by the Picts and Scots, and disunited, the Britons called in Saxon mercenaries to their aid. And this proved to their great hurt; for the Saxons, tempted by the salubrity of the island, by the weak resistance of a population long unaccustomed to bear arms,[5] and by the quarrels of the British kings, resolved to possess themselves of that part of the island which had formed the Roman Province. First of all they won over to their scheme the king of the Picts, though the Scots, deeply resenting Vortigern's treachery,[6] continued their friendship with the Britons or Britanni none the less.[7] According to Polydore Vergil,[8] they did so at the entreaty of Bishop Palladius,[9] because the Saxons were still bitter enemies of the Christian faith. The ancient Britons,

Britain's third catastrophe.

History, Bk. iii. *fol. 10.*

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[1] Sec. 19. [2] Bk. i. chap. 14.

[3] *De Gestis Romanorum ad Eutropii historiam additus*, lib. xiv.

[4] Craig is here following Gildas (sec. 20), whose narrative, which Bede adopted (lib. i. cap. 12), is quite untrustworthy.

[5] Craig repeats Gildas's fiction. The disproof of the statement is patent from the stout resistance which the Britons gave to the English.

[6] Boece (Bk. viii. chap. 15) alleges that he was in collusion with the Saxons. Cf. Wyntoun, Bk. v. chap. 12.

[7] Craig's facts here are unhistorical.

[8] Polydore Vergil (ed. Camden Society), vol. i. p. 119.

[9] Palladius, a native of southern Gaul, was sent to Ireland by Pope Celestine, probably to bring Ireland under the Roman discipline, after Patrick's mission. (See *Dict. Nat. Biog.*, vol. xliii. p. 112.) The statement of Polydore Vergil is as follows in the passage referred to in note 8 above: 'But

without . . .[1] were driven from their homes, and being compelled to abandon the whole of Britain, or England, as it is now called, found refuge in Cambria, modern Wales. Aided by the nature of the country, they were enabled for not less than eight hundred years to harass England with constant marauding raids. Sometimes they were beaten severely, sometimes they were themselves the victors; but eventually they abandoned the hope of recovering the country they had lost, and desisted perforce from a fruitless warfare.[2]

At this point it is necessary to display the kind of constitution which the victorious Saxons adopted. It will vividly represent the hapless plight of a people whose allegiance is divided among several rulers. To begin with, and while fresh forces were still arriving from Germany,[3] a Heptarchy of seven kingdoms was established by the Saxon settlers, whose leaders had seized this or that territory, settled their people there, and made themselves kings of it. Northumbria itself was divided into two kingdoms, Deira and Bernicia. In fact, at one and the same time there were actually in Britain eight Anglo-Saxon, three British, and two Scottish and Pictish kingdoms.[4] Some incorrectly add another,

Many kings in Britain.

Palladius, a goodde, godlie, thanckefull, and verie studius persone, the whiles he was in Scotland did bie all meanes diswade ther kinge Constantine that he wolde nott aide with armes those Englishe Saxons, a moste lewde generation, against the Britons, being Christian menne, seeinge that hee might well perceave that their distresse wold in time to comme redowndc to his owne undoeing, sithe it is evident that they minde nether the frindeshippe of Pictes nor of Scotts, but the imperie of the whole Ilond; and allso that hee wolde nott so often in other menns names and causes endanger him selfe and his nation with warre, the ende whereof, of all thinggs, is moste incertaine. This admonition tooke suche effect with Constantine that hee promised never hereafter to howlde with the Englishemen, which he perfourmed, for hee ministred divers aides afterwarde to the Britons; which thinge for a season greatlie releeved the Britishe strenghth, preserving them from sodaine ruine.'

[1] There is a lacuna in this passage.

[2] Craig's eight centuries extend to the conquest of the Principality by Edward I.

[3] It is hardly necessary to remark that Craig ignores the actual slowness of the English conquest, and the gradual emergence of the English Heptarchic kingdoms. The English 'conquest' can hardly be regarded as complete until the victory of Ethelfrid of Bernicia at Chester *circa* 613.

[4] Bernicia, Deira, East Anglia, Essex, Kent, Sussex, Wessex, and Mercia were the Saxon states.

Cumbria.[1] Others, on sounder evidence, support the existence of a kingdom of the Isles or Man.[2] The Welsh or ancient Britons were themselves broken into three kingdoms (Demetia, Gwynedd, and Powis), and were powerless to recover their old territory. As difficult is it for a race divided under many kingdoms to recover possession as to maintain it.

The Heptarchy's calamities.

But to return to the Heptarchy. What is its history but a record of slaughter and massacre of kindred kings and peoples? King Bernulf and King Ludecan were slain by the East Angles.[3] Withlaf, who succeeded them in the Mercian *fol. 11.* kingdom, was conquered by Egbert.[4] King Serredius and his brothers, Seward and Sigibert, were slain by the West Saxons.[5] Sigibert the Little was murdered by his kinsmen.[6] Kenelm, king of the Mercians, was put away by his sister Quendreda.[7] Ethelbald and Bernred, kings of Mercia, were put to death or deposed by their subjects and King Offa.[8] Penda, king of the Mercians, who slew five Saxon kings, Sigibert,[9] Osric,[10] Anna[11]

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[1] A British kingdom of Cumbria or Strathclyde did in fact exist until in 1034 it was attached to the kingdom of Scotia.

[2] This kingdom was of Norse origin.

[3] *The Anglo-Saxon Chronicle* records the death of Bernulf of Mercia in 823, and of his successor, Ludecan, in 825.

[4] Egbert's conquest of Withlaf and the Mercians is recorded by *The Anglo-Saxon Chronicle* under the year 827, but Withlaf recovered his kingdom in the next year.

[5] Bede (Bk. ii. chap. 5) says that these three kings or princes were pagan, but he does not give their names. Polydore Vergil (ed. Camden Society, vol. i. p. 145) gives their names as those of men 'in whome shined nether sanctitee, nether the feare of Godd, nor enie sparcke of relligion.' Their fate at the hands of the West Saxons was the 'juste penaltie for there great impietee.'

[6] Craig is here following Bede, Bk. iii. chap. 22, but has not quoted his authority accurately. The Sigibert who was murdered by his kindred was Sigibert the Good, who succeeded Sigibert the Little in Essex.

[7] The murder of Kenelm, or Chenelmus, a lad of 'muche godlines,' by his sister, 'a moste execrable viper,' is told in considerable detail by Polydore Vergil, vol. i. p. 153.

[8] The events are recorded in *The Anglo-Saxon Chronicle* under the year 755.

[9] He was king of the East Anglians, and his death is recorded by Bede (Bk. iii. chap. 18), *circa* 635.

[10] Osric of Deira was slain by Cadwallon of Wales (Bede, Bk. iii. chap. 1) in 634.

[11] Anna was king of the East Anglians (Polydore Vergil, vol. i. p. 139).

of the East Saxons, Edwin,[1] his two sons, and Oswald,[2] kings of the Northumbrians, was himself defeated and slain by Oswy, king of the Northumbrians.[3] The same fate befell Penda's son and successor, Peada.[4] I do not dwell upon the fate of Lothere[5] and Edric,[6] kings of Kent, at the hands of their subjects; of Ethelbert, king of the East Saxons, whom King Offa slew;[7] of Aldinus, king of the South Saxons, whom Ine of Wessex cut off;[8] of Ethelfrid of Northumbria, whom Redwald of the East Saxons conquered and slew;[9] of Ceolwulf of Wessex, overthrown by Edwin, king of the West Saxons;[10] of Oswulph and Alfred of Northumbria, dethroned by their rebellious subjects;[11] of Ethelbert, or Adelred, who met the same fate;[12]

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[1] Edwin was defeated and slain by Penda at Heathfield in 633. *The Anglo-Saxon Chronicle* under that date only mentions one son, Osfrid, as having perished with him.

[2] Oswald was slain by Penda at Maserfield (identified by some with Oswestry in Shropshire) in 642.

[3] Oswy defeated and slew Penda at Winwaed, possibly the Went in Yorkshire, in 655. On the event *The Anglo-Saxon Chronicle* comments: 'From the beginning of the world to this time 5850 years were agone.'

[4] *The Anglo-Saxon Chronicle* merely records his death in 657, and that he was betrayed by his wife. Bede (Bk. iii. chap. 24) gives the same meagre information. Polydore Vergil, vol. i. p. 172, calls him 'an aegregius yonge jentilmanne' and 'a yonge impe.'

[5] Craig here follows Polydore Vergil, vol. i. p. 135; but, according to Bede (Bk. iv. chap. 26), Lothere died of wounds received in battle with the South Saxons in 685.

[6] Bede (*ibid.*) does not mention the manner of his death. Polydore Vergil, vol. i. p. 136, says that he was 'of his owne subjects stripped from the imperie.'

[7] *The Anglo-Saxon Chronicle* records his death in the year 792. He was king of East Anglia, not of Essex. See Polydore Vergil, vol. i. p. 141.

[8] Polydore Vergil, vol. i. p. 138. Aldinus is not mentioned by Bede or *The Anglo-Saxon Chronicle.*

[9] At the battle of the Idle, *circa* 617.

[10] Polydore Vergil, vol. i. p. 160. Edwin was king of Northumbria. The story of his attempted assassination by Ceolwulf's emissary is familiar.

[11] Oswulph is said by *The Anglo-Saxon Chronicle* to have been murdered by his household in 757. Both Bede (Bk. v. chap. 18) and *The Anglo-Saxon Chronicle* record Alfred's death in 705, but without giving the circumstances. Geoffrey of Monmouth (Bk. xii. chap. 11) describes him as a rebel against Oswy, his brother. Polydore Vergil (vol. i. p. 176), who calls him the 'base sonne' of Oswy, merely says that he lived in exile during the reign of his brother Egfrid.

[12] He is described by Polydore Vergil (vol. i. p. 177) as the twenty-fourth and last king of Northumbria from Ida, and as 'semblablie murthered of his owne loyals.' Neither Bede nor *The Anglo-Saxon Chronicle* mention him.

of Cynewulf of Wessex and Cyneard who perished at each other's hands;[1] of Edmund, overthrown by the Danes; or Cadwallon, the British king, by King Oswald of Northumbria.[2] Nor need I dwell on the tragic end of Bertulph and Ethelwulph, kings of Kent, or of Suthred, king of the East Saxons, all of whom were driven from their kingdoms by Egbert.[3] Nor need I relate the bloody battle between Aidan, king of Scots, and Ethelfrid of Northumbria, of which Bede and other English historians give an account;[4] nor the death of Egfrid, who, beaten once by the Scots, was with his large army cut off by the Picts.[5] Nor will I do more than mention the absolute annihilation of the Picts by the Scots, a conquest so complete that to-day neither the name nor a trace can be found of a people who played so sturdy a part in the wars against the Romans and the Saxons.[6] With that event *πολυκοιρανία* ceased in North *fol. 12.*
Britain, and the wars which had vexed the relations of the Scots and Picts from their earliest history came to an end. From that time onward the Scots enjoyed peace and tranquillity, save for civil dissensions, which were rare,[7] or for wars inflicted upon them by the English, Danes, and Norwegians. In the latter, though their own intemperate rashness usually

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[1] According to the graphic account in *The Anglo-Saxon Chronicle*, under the year 755, this is not strictly true. Cynewulf was despatched by the Etheling Cyneard's partisans. Cyneard, in his turn, was killed by the king's thegns.

[2] The death of St. Edmund is recorded in *The Anglo-Saxon Chronicle* under the date 870. Cadwallon was slain by Oswald at the battle of Heavenfield in 634.

[3] Polydore Vergil, vol. i. pp. 146, 190.

[4] Ethelfrid was defeated by Aidan at Degastan in 603.

[5] Egfrid was defeated by King Brude of the Picts at Nectansmere, or Dunnichen, in 684 or 685. See Bede, Bk. iv. chap. 26.

[6] Craig here follows Boece (Bk. x. chap. 11) and Wyntoun (Bk. vi. chap. 8). Boece says that the Pictish kingdom 'failyeit,' and that its subjects were 'brocht to nocht.' Wyntoun is more definite. The Picts, he writes, were 'all put owte' and 'left the Land.' The theory of extermination arose obviously from inability to connect the Picts with the nomenclature of the modern kingdom. But, though no authentic account is forthcoming, there can be little doubt that the accession of Kenneth MacAlpin to the united realm of the Scots and Picts represented the fusion of the two peoples and not the extinction of the latter in 844.

[7] A more modern expositor of Scottish history suggests a different conclusion. See Lang's *History*, vol. i. p. 319.

brought defeat upon them at the outset, since the mere sight of an enemy provoked them, yet in the end they were always victorious, and to this day have preserved their country intact and secure.

Britain's fourth catastrophe: the Danes.

I return to South Britain. Even before the πολυκοιρανια of the Heptarchy came to an end, the fourth catastrophe had fallen, direr, perhaps, than any other—I refer to the landing of the Danes in the year of grace 790.[1] The Heptarchy had not yet been absorbed into a single kingdom; for the kingdoms of Mercia, Northumberland, and Essex were not united under the sole sway of Egbert until about the year 830.[2] Long before Egbert, as I said, the Danes entered England about the year 790, during the reign of Bertric of Wessex. There are indeed good grounds for thinking that they made their first attempt on the island earlier than the reign of Ine of Wessex.[3] The Danes were encouraged by the division of the island among several kingdoms, which led them to expect that they would be able to deal with each one separately. Probably also they anticipated that in the pursuit of war and plunder they would find allies among the English kingdoms, rent by bitter discord, and eager to extinguish their rivals. For in those days the Scots were bitterly hostile towards the English, because the latter aided the Picts in the war in which the Scots had destroyed them.[4] It is possible that the English did so in gratitude for the help which the Picts had given the Saxons in their wars against the abandoned Britons.[5] (fol. 13.) However, there was enmity between the Scots and Saxons, and firm friendship between the Saxons and the Picts. But when the Scots discerned that the Danes coveted possession of the whole island, they also joined their forces to those of the

[1] *The Anglo-Saxon Chronicle* records their first appearance in the reign of Bertric of Wessex, *circa* 787.

[2] *The Anglo-Saxon Chronicle*, under the date 827, calls him the eighth 'Bretwalda' of Britain.

[3] *The Anglo-Saxon Chronicle* does not support this. See note 1 above.

[4] See Boece, Bk. ix. chap. 16, for the beginning of this asserted alliance. After the conquest of the Picts by the Scots he asserts that the survivors of the former, 2000 in number, fled to England (Bk. x. chap. 11), and thence 'to thair freindis in Norroway and Denmark' (Bk. x. chap. 14).

[5] See above, p. 217, note 7.

English Saxons, who now were Christians, and chiefly because the Danes were fierce enemies of the faith. The Danes were very lusty and warlike, and had won great victories in every part of Europe. In France they had settled themselves in Neustria, or, as they preferred to call it, Normandy.[1] The number and the horrors of the wars they waged in England, their cruelties to Christian people, the heavy tribute they exacted, and the duration of their tyranny, all these things are told by English historical writers, and particularly by the Bishop of St. David's or St. Asaph.[2] We shall hear later on the testimony of Ine of Wessex what support and assistance the English drew from the Scots in the course of the war. In the result, though the Danes warred persistently and relentlessly in England and Scotland, they were compelled to leave both countries unsubdued and independent. For, before the Danish rule came to an end, as we learn, Sweyn and Cnut, kings of England and Denmark, attempted by force of arms to add Scotland to their dominions, and after suffering two or three severe defeats,[3] were compelled to undertake to leave Scotland alone.

Britain's fifth catastrophe: the Normans

Scarcely had the English recovered the mastery of the kingdom when the fifth catastrophe befell them. The Conquerer, taking advantage of their differences in the choice of a successor to Edward the Confessor, slew 20,000 of them, including their chosen king Harold, and made England his own.[4] For, while two interests were striving for the throne, a third easily wrested it from the exhausted combatants. In other words, the English and the Norwegians were striving for the crown, while Cnut[5] of Denmark also attempted its recovery, *fol. 14.* and upon their failure the Conqueror established himself in England, where his descendants have ruled to this day. So

[1] Craig is here following Boece, Bk. x. chap. 22. The Normans acquired their French Duchy, part of Frankish Neustria, in 911.

[2] Craig refers to the *Life of Alfred*, by Asser, Bishop of Sherborne.

[3] Cnut, in 1031, extorted from Malcolm II. an admission of his superiority. Craig follows Boece, Bk. xii. chap. 2.

[4] Craig has taken his figures from Polydore Vergil, vol. i. p. 306.

[5] *The Anglo-Saxon Chronicle* records the expedition sent to England by Swegen of Denmark under the year 1069. The Norwegian attempt had been defeated at Stamford Bridge in 1066.

great was his hatred of the English, that the Conqueror spoiled them of their arms and distributed their nobles' estates as booty among his Normans. According to Caradog[1] he even contemplated changing the name of Britain to Great Normandy, and possibly would have done so had not he needed the help of the English in his wars with Philip, King of France. From his time onward the island enjoyed a great measure of peace. But in consequence of the wicked conflict to which Edward I. provoked Scotland, 300,000 lives were lost, so English writers assert. Following Matthew of Westminster, and allowing for three or four pitched battles in the contest, at least 200,000 Scots must have fallen. Matthew does not give the number, but the English losses must have been at least half that amount, for in the end the Scots were the conquerors, though they then and for ever surrendered the provinces of Northumberland, Cumberland, and Westmorland, which they had so far held in vassalage of England.[2] I do not dwell upon the war in Ireland, where the throne was won by Edward Bruce, brother of King Robert, in four Bk. xviii. years of whose reign 30,000 Scots and 15,000 English and Irish were slain, according to Polydore. What great results might have been achieved if this strength, wasted in civil strife, had been directed against a foreign foe! It was not long before there broke out the disastrous strife for the throne between the Houses of York and Lancaster, a struggle which cost the lives of 100,000 men-at-arms, and compelled the loss of France to Charles VII. almost without a blow. According to Bodin[3] nearly eighty royal princes either fell, in the course of it, by the sword or perished on the scaffold.

There is another reason why France was lost at that time. There existed much rancour between England and Scotland

[1] Caradog of Llancarvan, the friend and continuator of Geoffrey of Monmouth, died *circa* 1147.

[2] Craig deals at greater length with the relations of the Scottish kings toward these English counties in his *Scotland's Sovereignty Asserted*, chaps. 22-24. Scotland's claims upon them, largely derived from David I.'s marriage, were formally compounded by Alexander II. in 1237. See Lang, vol. i. p. 120.

[3] *The Six Bookes of a Commonweale*, ed. 1606, p. 526. A translation of Jean Bodin, by Richard Knolles.

because Prince James, King Robert's son, was treacherously made prisoner at sea by the English on his journey to France.[1] So incensed were the Scots at the insult that they sent a splendidly equipped body of troops to Charles's aid in France. The first contingent was led by the Earl of Buchan and the Douglas, of whom the former for his conspicuous service was made Constable of France, and the Douglas was created Duke of Anjou.[2] Not long after, King James sent another body of men under Robert Patillok, by whom the English were driven from Aquitaine. Their leader gained the name of the Little King of Aquitaine, and is not yet forgotten in that country.[3] In our own time, also, King Henry VIII. invaded France with a large army, and the Emperor Maximilian served under his banner.[4] He defeated the French cavalry, which was held to be the best in Europe;[5] but on the news that James IV. had invaded England with a powerful army, he was obliged to send back to England 8000 troops to succour his own kingdom. Having received this reinforcement Surrey, who had been seeking to avoid an engagement, joined battle. The issue was disastrous to both sides.[6] The Scots lost their king and most of their nobility. Surrey was too weakened to follow his victory into Scotland, and Henry was forced to make peace with France on such terms as he could obtain, and to relinquish the hope of conquest. Thus both victories, in France and against Scotland, were fruitless, and the cause was nothing else than the divided state of Britain, where each king was trying to steal a march on his neighbour. A later and not less serious disaster occurred at Pinkie, owing to the fact that the union of the two kingdoms was frustrated by the machinations of the Scottish ecclesiastics, who, though the agreement had been formally ratified, feared the effect of union upon their own status. In consequence the Church drew on itself the hatred of the

fol. 15.

Constable of France.

A Scottish Invasion compels Henry VIII. to weaken his army in France.

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[1] In 1406.

[2] The expedition took place in 1420.

[3] Polydore Vergil, ed. Camden Society (1844), p. 11. See the *Book of Pluscarden*.

[4] In 1513.

[5] At Guinegatte; the Battle of the Spurs.

[6] The Battle of Flodden, 1513.

nation, and not long after its clergy were degraded and itself in great part disendowed.[1]

fol. 16.

Wherefore Bœotia was called the Stage of Mars.

The ancient Greeks were wont to call Bœotia the stage of Mars, because in that country the God of War exhibited himself as if in a theatre. And indeed Bœotia deserved the name, for she witnessed many bloody encounters. At Platæa Mardonius fought Pausanias and Aristides, and fell with 300,000 Persians.[2] Thermopylæ witnessed the slaughter of 20,000 Persians, and of Leonidas, king of Sparta.[3] At the Bœotian village of Leuctra King Cleombrotus perished, and with him passed the supremacy of Sparta.[4] At Chæronea, also in Bœotia, Philip of Macedon beat the Athenians and Thebans in a memorable fight,[5] and thereafter the liberty of Greece was sadly curtailed. There were other battles of lesser importance, but I need not mention them. Now, to turn from ancient Bœotia to our own Britain, may we not regard it not merely as the stage or theatre of Mars, but even as the native soil, habitation, sanctuary, and very altar on which our forebears offered human sacrifice to the god? And it will be difficult for any one to assign the manifold disasters of Britain to any other cause than her political divisions, which caused her kings, through rivalry, suspicion, or fear, to oppose their rivals. Hence arose jealousies, plots, and threats, which resulted in open war. It is therefore not difficult to forecast the future had political division continued; for what happened once might happen even now. But such a future will be frustrated by the thrice happy union of both kingdoms, or rather of all the kingdoms which have ever existed in Britain and Ireland, under his Most Serene Majesty King James. Not only will his accession compose domestic dissensions, but encouraging the growth of such

fol. 17.

a population as Tacitus and Cæsar describe, since the land will be obedient to one ruler, will enable her to withstand

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[1] Craig, it is hardly necessary to point out, is biased by his argument to suggest the Reformation as the Nemesis of Somerset's frustrated project of union.

[2] B.C. 479.

[3] B.C. 480.

[4] B.C. 371.

[5] B.C. 338.

and repulse every attack from abroad. How true is Homer's saying—

οὐκ ἀγαθὸν πολυκοιρανίη· εἷς κοίρανος ἔστω, εἷς βασιλεύς.[1]

CHAPTER II

Monarchy has been and remains the best form of government, and is essential to the safety and well-being of Britain.

INFLUENCED, among other causes, by the considerations I have offered, our most sapient and invincible Prince James, now king of all Britain, has formed a resolve whose praise shall resound to posterity, to unite indissolubly the two kingdoms of Scotland and England. The catastrophes of the past would never have so vexed the island had the whole of it been controlled by a single powerful monarchy. For of all systems of government monarchy is the most admirable and efficient. Nay, it alone was instituted by Almighty God, the Author of all perfection. Of aristocracy and democracy there is no mention in Holy Writ, and no indication of their being of divine institution. When God designed to lead his people forth from Egypt and prescribed governance for them, it was on one man, Moses, that he laid the sole rule, and even honoured him with the name of king. His power at any rate was kingly, and it matters little what title he bore if such was its character. Philo-Judæus,[3] however, calls him the greatest of kings, the holiest of prophets, and the best of lawgivers. Moreover, when God, through Moses, ordained for the Israelites the kind of government they should obey, He established kingship, and specified the ruler who should

Concerning monarchy.

Deuteronomy xxxiii.[2]

fol. 18.

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[1] *Iliad*, Bk. ii. 204.

[2] Craig's reference is to verse 5: 'And he was king in Jeshurun, when the heads of the people and the tribes of Israel were gathered together.'

[3] *Opera* (ed. 1828), vol. i. p. 136.

govern them. Is it probable that God would have so acted unless He approved of a king and monarchy as His own institution? Again, when Moses was at the point of death, and particularly desired the safest guidancc for God's people, he prayed that one man might be raised up to be their leader, and, with the approval of God, declared Joshua his successor. Surely he would not have asked for one man had he not preferred monarchy to other systems of government. Nor would God have answered his prayer unless monarchy were the best constitution for so mighty a people. Nor would Joshua have accepted the office unless he knew that God approved and was Himself the founder of a monarchical polity.

Further, among the benefits with which God promised to endow his people, the rule of the priesthood was specially instituted, that is, a government religious, just, and obedient to God's laws. After Joshua therefore came the Judges, whose functions embraced the two duties which then and now are the chief attributes of monarchy: namely, to administer justice to the people and to act as their leaders in time of war. For it is God's purpose that the governance both in peace and war shall rest with the monarch. So when God resolved to set up the best form of rule among His chosen people, He did not establish an aristocracy. On the contrary He said: 'Thou shalt make thyself a king; and whom the Lord shall choose from among thy brethren him shalt thou choose for a king.'[1] And lest any should twist these words to lend sanction to an elective kingship, He added, 'He shall reign and his children after him.'

God prefers a hereditary to an elective monarchy.

It is clear that in instituting kings God ever preferred hereditary to elective succession. He gave it His countenance in the case of David and his posterity, and would have done so in the case of Saul's children had he not wickedly turned aside and followed the advice of unclean spirits. Again, God's abhorrence of an aristocracy or democracy, and His refusal to countenance them, is apparent in the plot of Korah, Dathan, Abiram, and the two hundred and fifty Israelites. For, being

fol. 19.

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[1] Deuteronomy xvii. 15. Craig's does not quite tally with the original text.

envious of Moses' authority, unwilling to submit to the
rule of one man, and aiming to settle an aristocracy, they
addressed him mutinously: 'Ye take too much upon you,
seeing all the congregation are holy, every one of them,
and the Lord is among them; wherefore then lift ye up
yourselves above the congregation of the Lord?'[1] Their
words plainly manifest a desire to associate themselves with
Moses and Aaron in the governance of the people. But
God miraculously testified for Moses and monarchy; the earth
opened her mouth and swallowed the rebels, or the lightning
consumed them. In Holy Writ and in the Prophets many
passages occur which show that God instituted monarchy and
set kings over His people. Thus God said: 'By Me kings Proverbs viii. 15.
reign and princes decree justice.' Thus Samuel to Saul: 1 Samuel xv. 28.
'The Lord hath rent the kingdom of Israel from thee this
day, and hath given it to a neighbour of thine, that is better 2 Samuel xii.
than thou.' And again: 'I anointed thee king . . . and 7, 8.
gave thee the house of Israel and of Judah.' And Solomon 1 Kings ii. 24.
thus: 'The Lord liveth which hath established me and set
me on the throne of David my father.' And again in the 1 Kings xi. 31.
case of Jeroboam: 'Thus saith the Lord, I will rend the
kingdom out of the hand of Solomon, and will give ten tribes
to thee.' And again in reference to Jeroboam: 'Forasmuch 1 Kings xiv.
as I exalted thee from among the people, and made thee 7, 8.
prince over my people Israel, and rent the kingdom away
from the house of David, and gave it thee.' And in another
passage: 'Forasmuch as I exalted thee out of the dust, and
made thee prince over my people Israel.'[2] And again: 'The
Lord will raise a king in Israel who shall cut off the house of
Jeroboam in that day.' These, and numberless other passages
of similar import, prove (unless the reader is bereft of sense
and reason) and compel admission even from the unwilling,
that kings were first instituted by God; that monarchy was
introduced from the beginning, and that it was settled on an
hereditary basis in order that the ambition and strife of men
might be stayed; for kingship is the fairest thing in heaven
as on earth.

[1] Numbers xvi. 3.

[2] 1 Kings xvi. 2.

fol. 20. Time would fail me to display the opinions of the ancient philosophers on this matter, to survey their schools and doctrines, and to explore the records of their learning. Briefly the philosophy of the ancients held monarchy to be the only satisfactory constitution, and spurned an aristocracy and a democracy as nurseries of lawlessness. Lycurgus (though the remark is also attributed to Bias of Priene),[1] when he founded the Spartan state, established it as a monarchy. To the question, why he had not rather made it an aristocracy or a democracy, he replied: 'Why do you not convert your family household into an aristocracy or a democracy?'[2] The remark was very much to the point. For a family is but a monarchy in miniature, and a monarchy merely a family on an ampler scale. In both there is one father, who controls all, is obeyed by all, by the wife with love, by the children with reverence, by the slaves and servants with respect. Now, if in any family, whatever its size, two persons claim authority and are ready to contend to the death for it, that family is forthwith broken up: the wife knows not which husband to follow, nor the children which parent, nor the slaves and servants which master. Each, asserting the claims of his real master, or whom he takes to be such, will strive with his neighbour and haply kill him; so that, however willing, the goddess Safety herself could not save that family from extinction.[3]

Lycurgus's saying.

Britain is the most famous island in the world. Josephus calls it another world.[4] Appian describes it as another continent.[5] The prince of poets speaks of it as severed from the whole world.[6] If in such a microcosm or world apart there be two masters, equal in power, and each the other's enemy, war, fire, bloodshed, slaughter, and rapine will scourge the land;

Britain a world apart.

[1] Bias of Priene, one of the Seven Sages of Greece, flourished about the middle of the sixth century B.C. He was famous for his apophthegms.

[2] The remark is recorded by Plutarch in his 'Life of Lycurgus,' but in a form somewhat different to that in which Craig repeats it. See Stewart and Long's edition, vol. i. p. 86.

[3] Mr. Fraser points out a reference here to Plautus, *Captivi*, 3. 3. 14.

[4] Flavius Josephus, *Bellum Judaicum*, lib. vi. cap. 6. The passage does not exactly bear Craig's interpretation.

[5] *Historia Romana*, Prooemium.

[6] 'Et penitus toto divisos orbe Britannos' (Virgil, *Eclogue* i. 67).

for between neighbours the seeds of hatred are ever present. To quote Juvenal :—

> Inter finitimos vetus atque antiqua simultas,
> Immortale odium et nunquam sanabile vulnus.[1]

And in particular, if the leaders on both sides be warlike and resolute, how can the country be in other than a condition of the utmost confusion? There is a familiar saying of Cerbamus: When Cyrus was preparing to march against the Massagetæ or Scythians, he propounded to his council the association of his son Cambyses with him on the throne. Cerbamus, one of the purple, answered that it was dangerous to raise a son to share the throne; for, said he, a single sun warms the earth, two would burn it up. Perhaps Cerbamus had in his mind the fable of Æsop: how the Sun asked advice from the gods, and particularly Jupiter, about marrying. All advised him to marry except Momus, who declared that it would ruin the earth if the Sun were allowed to do so; for he would beget several children-suns whose heat would melt the earth, which, as it was, could hardly bear the heat of one. Clearly Momus implied that the earth could as little bear two suns as a throne two king's sons.[2] *fol. 21.* Cerbamus's wise saying.

Britain may be imagined as a very firm-laid state, whose deep and impregnable rampart is the sea. She can defy her external foes, if she be but true to herself, and hurl back assaults upon her as do her rocky shores the waves that roar upon them. When I use the word 'state' here I have not in my mind a city-state or town girt in with walls and bulwarks, though even in that sense my proposition would hold. I employ *civitas* to mean a wide expanse of territory obedient to the same law and using the same tongue, a sense in which early writers use the word. In such a state if there be two rulers of similar power and equal following, or if two chief men, inordinately turbulent, arise and pursue each other with persistent war and rancour, either they will betray their country to the enemy, or their rivalry will destroy it. What was the result of the famous struggle between Marius and Britain as one state. *fol. 22.*

[1] *Satires*, xv. 33.

[2] Fable 185.

Sulla, men of great achievement? or of that between Pompey and Cæsar, of whom the one could not endure an equal, the other a superior? Now if we consider the source of every war waged in Britain these six or seven hundred years past, we shall find it none other than the old quarrel which animated Cæsar and Pompey: England resented an equal, Scotland a superior in the island. Of this main cause other motives were merely derivative, rivulets from the main spring, as the sequel will show. If in Britain there be two rulers of equal power and opposite interests, to which of them will obedience be paid? Each will employ his own faction to obtain the mastery of the whole state, and slaughter, fire, proscriptions, rapine, and eventually the certain ruin of the state itself will follow. And besides the case of Rome, what was it but faction that ruined Athens, Sparta, and other famous Greek states? While some clung to Rome, others preferred Philip of Macedonia, and the dominion of Greece fell to Rome in consequence. In more recent times how often the factions of the Blacks and Whites,[1] Guelfs and Ghibellines,[2] Old Citizens and Mediceans, have torn and almost consumed Florence as it were in their own heat. Nor did she secure prospect of quiet until her government became a monarchy in the course of last century.[3]

Britain the nurse and mother of her indwellers.

Now, Britain is the common mother of her indwellers; at any rate she is the nurse whose breast has reared those born upon her soil. All Britons are, as it were, brothers, sprung from the womb of the same mother, Britain. They ought therefore to be united, as behoves those suckled at the same breast. But if these quarrelsome foster-brothers, brothers-german, brothers-uterine, whatever they may be, threaten each other continually with destruction, refuse to be reconciled, and rarely and briefly parley or interrupt their strife, how must their common mother Britain regard them? How must the nurse whose breast has

fol. 23.

[1] The feud between the Blacks and Whites in Florence began in 1300 (Villani, Bk. viii. chap. 39).

[2] The Guelf and Ghibelline factions began to disturb Florence in 1215 (*Ibid.*, Bk. v. chap. 38).

[3] The Florentine Republic fell in 1530. Cosimo de' Medici was created Grand Duke of Tuscany by Pius V. in 1569.

reared them look upon their conduct? Assuredly will she rather hasten her own destruction than see her sons or foster-children so irreconcileably[1] severed. She will court any death to withdraw herself from the bitter spectacle, and seek release from being longer a witness of such horrors in her midst, powerless to check them. In such a manner did Jocasta act when Eteocles and Polynices each the other slew.[2] So, too, would Rhea have acted had she lived to witness the slaughter of Remus by Romulus. So the mother of Ferrex and Pollex, kings of Britain, is actually said to have acted.[3] The crimes of the brothers Pedro and Henry, kings of Castile, one of whom is said to have washed his hands in his brother's blood, will be eternally execrated.[4] Are we to take as our model the bloodthirsty Turks, who hold it of the essence of policy to slay their brothers: for instance, Mohammad III. who lately slew nineteen thousand?[5]

Britain likened to a corporation.

And again, Britain is as it were a corporation such as lawyers describe a corporate body to be. In it every member's duty is to nourish, to avert external danger from, to bend every nerve upon the security and well-being of the whole body corporate, and to work together to preserve and guard it. The story is familiar which Menenius Agrippa[6] employed to reconcile the hostile Patricians and Plebs. There was a time, said he, when the members of the human body did not work together, as they do now, but each thought and spoke for its own needs. The other members, it is said, were very displeased with the stomach, which lay idly in the midst of them all and greedily consumed the good things provided for it by their care and effort. So they conspired, and agreed that the hands should refuse to carry food to the mouth, that the mouth should refuse the food offered to it, and the teeth decline to chew it. In *fol. 24.*

[1] Craig here uses ἀδιαλλάκτως.

[2] According to Sophocles Jocasta hanged herself long before this.

[3] According to Geoffrey of Monmouth (Bk. ii. chap. 16) Pollex killed Ferrex, and Widen, their mother, slew Porrex in retaliation. The same story is told by Polydore Vergil, vol. i. p. 37.

[4] At the battle of Montiel in 1369 Henry of Trastamara defeated and stabbed his half-brother Pedro the Cruel of Castile.

[5] Mohammad III. reigned from 1596 to 1603.

[6] The story is told by Plutarch in his 'Life of Caius Marcius Coriolanus.'

this manner they thought to bring the stomach to terms, but merely succeeded in reducing themselves and the whole body, as well as the stomach, to a grievous condition of emaciation. And not otherwise is the relation of the members to the body politic. Unless all unite to nourish and conserve the whole—an impossibility if there be duality of rule—the body itself and all its members will surely perish.

Wonderful are the manifestations of God, and to be received by men with reverence and holy fear. Nor does He ever refrain from reproving wickedness by manifest signs and from warning men of the consequences of it. Until these present days Britain may be likened to the two-headed monster with a single body which was born on the confines of England and Scotland at the time of James IV.'s marriage to Margaret, daughter of that most sapient prince Henry VII. And lest any one should suppose that the creature is fictitious, though in fact it was actually seen by many persons, including my own father, some of whom are still living, I shall describe it briefly in the words of my very intimate friend George Buchanan, who saw it with his own eyes, and also expounded its significance to me:[1]

A strange monster born on the Borders at the time of the marriage of James IV. and Margaret Tudor, and its signification.

'In the lower part of its body it differed nothing from the ordinary shape of a human body; but, above the navel, the trunk of the body and all the other members were double, representing both sexes, male and female. The king gave special order for its careful education, especially in music and languages, in which it arrived to an admirable degree of skill. And sometimes the two bodies did discover several appetites, disagreeing one with another; and so they would quarrel, one liking this, the other that. And, yet sometimes again, they would agree and consult in common, for the good of both. This was also memorable in it, that when the lower part of the body was hurt below, both bodies were sensible of this pain in common; but when it was pricked or otherwise hurt above, the sense of the pain did affect one body only. This monster

[1] The passage occurs in Buchanan's *History of Scotland*, Bk. xiii. In view of Craig's statement that Buchanan himself had seen the monster, it may be observed that Buchanan says no more than that, 'I am the more confident in relating this story, because there are many honest and credible persons yet alive who saw this prodigy with their own eyes.'

lived throughout the reign of James IV. and for some years after him. At length one of the bodies died, and the other, through the consequent pain and corruption, wasted away in a few months.'

It cannot be questioned that God designed by this portent to represent the condition of Britain in the past. And it did truly represent it; for observe the two heads, often quarrelling, yet sometimes in agreement, a condition which to that time had been of infrequent occurrence in Britain. Undoubtedly God intended to reprove the inhabitants of Britain for their past discord and insane quarrelling, and by the same means to warn them that discord would cease with the birth of a child sprung from that marriage, in whom the two kingdoms would unite,[1] as did the two heads of the monster in its one body. *fol. 25.*

William of Malmesbury records a similar prodigy in the reign of Edward, the last Saxon king[2] if we except Harold. He says that on the confines of Normandy and Brittany a monster was seen in the form of one, or rather two women; for it was double-headed, four-armed, and all its other members above the navel were duplicated; while below it had two legs and feet and other members in number normal. While one of the two was laughing, eating, talking, the other wept, fasted, and kept silence. It received its food through both mouths, but evacuated it through a single passage. Many people believed in its existence, and some had described it, according to William of Malmesbury, holding the monster to personify Normandy and England, which then were separate, but shortly thereafter were united under one ruler. Augustine tells us that a similar monster was seen in the East shortly before his birth. Are we to suppose that these dire portents *History of the Kings of England*, Bk. ii. *De Civitate Dei*, Bk. xviii. chap. 8[3]

[1] The reference, of course, is to James VI., the great-grandson of James IV. and Margaret Tudor.

[2] *Gesta regum Anglorum*, lib. ii. cap. 13. He adds that one twin survived the other for three years.

[3] Craig's reference should be to lib. xvi. cap. 8 of Augustine's *De Civitate Dei*. The passage is as follows: 'Ante annos aliquot nostra certe memoria, in Oriente duplex homo natus est superioribus membris, inferioribus simplex. Nam duo erant capita, duo pectora, quatuor manus, venter autem unus, et pedes duo, sicut uni homini: et tam diu vixit, ut multos ad eum videndum fama contraheret.'

have appeared without a purpose? Surely they were sent at one time to move men to contemplate the unhappy condition of the present, at another to foreshadow the future. For what else can the two heads mean, so different in their behaviour, and yet nurtured from a common source, than that from a common mother, Britain, two kings had sprung, one of whom could not endure an equal, the other a superior, always at strife, to the injury of their common country; and that the cessation of their perpetual conflict was to be looked for as the result of a marriage whence would proceed the perpetual union of both?

fol. 26.

Two notable sayings of Aristotle, *Ethics*, Bk. x.

In his disquisitions on government Aristotle invariably expresses a preference for monarchy over other forms. And there are two remarks of his which are particularly noteworthy. The first is, that the heroes of the Golden Age, and even the gods themselves, who lived necessarily under the most ideal conditions, were under monarchical rule. The second relates to Crete. He praises the island for the excellence of its situation, and for its many harbours, being open to every sea, not far distant from the Peloponnese, nor yet from Asia or Africa. Hence Aristotle concludes that Crete was designed by nature to be mistress of Greece, and expresses no wonder that Minos of Crete, already master of the sea, should have conquered the neighbouring inhabited islands or colonised those that were uninhabited, and eventually have met his death in the effort to acquire Sicily. I could almost imagine, when I read this passage, that Aristotle was writing about Britain. Our island is more populous and is better harboured than Crete. And just as Crete lies contiguous to all the Mediterranean lands, so does Britain command Norway, Denmark, the Netherlands, Belgium, France, and even Spain, though never has her power embraced those opposite shores. Gallant efforts have been made to that end from time to time, but with no commensurate result. Never has there been lacking splendid courage, adequate armies, and the resources to maintain them. But there has not yet appeared a Minos, a sole

Politics, Bk. i.[1]

Politics, Bk. i.[2]

fol. 27.

[1] The passage will be found in Jowett's translation, vol. i. p. 3.

[2] The correct reference is to Bk. ii., and the passage will be found in Jowett, vol. i. p. 57.

king in the island, with authority to quell the civil turmoils of its inhabitants.

After the conquest of Antiochus[1] the Cappadocians and Paphlagonians were detached from his rule by the Romans. They were asked if they preferred to live under a form of government other than a monarchy, and the Romans offered them the choice of a democracy or an aristocracy, if they desired to be released from kingly rule. But they answered that the proffered boon was in fact a punishment; seeing that no people could flourish who did not obey a king.

The answer of the Cappadocians and Paphlagonians to the Romans.

That shrewd man Demosthenes in all his speeches, both in the *Olynthiacs* and *Philippics*, confesses the advantage of monarchical rule in time of war, which cannot fail to occur at some time or other. For instance, when the Athenians were indignant that Philip's successes were as invariable as the failure of their own generals, 'What wonder,' said he, 'seeing how disastrous it is to distribute the chief command in time of war. Philip follows none but his own orders, summons his army, furnishes its pay and commissariat, and is on the march before we know even that he is under arms. While we are talking he is besieging towns, and takes them one by one. For when we are informed that he is in the field, and this or that city is beleaguered, our first step is to summon our Assembly, and to consult our orators as to what we ought to do. Votes are taken, several generals are elected, armies are enrolled, taxes are imposed for their payment, and before their collection the armies take the field only half-equipped. Our plans, which it is dangerous at all times to impart to more than one man, are revealed to the enemy, and the hope of victory has gone even before we have begun to fight.'[2] Meanwhile Philip had made himself master of Pydna, Potidæa, Olynthus, or some other city in Athens's possession or occupation, and her army upon its arrival found him already safely withdrawn to his own country. The fatal results of divided authority in time of war has a familiar illustration in the case of Paullus Æmilius and Terentius

A single rule preferable in war.

[1] Antiochus surrendered his dominions west of Mount Taurus after his defeat at Magnesia in 190 B.C.

[2] *Philippic I.*

Bk. iii. *fol. 28.* Varro.[1] In his account of the Æquian and Volscian war, when two consuls of equal powers were in command of the Roman army, an arrangement very beneficial in conducting the affairs of the largest states, Livy records the striking fact that one of them laid down his command in order to concentrate authority in his colleague Appius.[2] Other illustrations could be given to prove that the distribution of any kind of authority among several persons results in the destruction of all.

To the division of the Roman Empire into East and West was due the fall of each. The East is now the possession of the barbarous Turk: the West still exists, but a mere shadow of its former grandeur. Ancient Egypt broke up into two kingdoms, Upper and Lower, and had no rest from civil war until Ahmose I., father of Kemose, king of Thebes or Upper Egypt, conquered and drove out the Hyksos or Shepherd Kings of Lower Egypt, and founded a single and powerful kingdom in Egypt about A.U.C. 1208.[3] Assyria was split up into two kingdoms, those of Babylon and the Medes, and was in a condition of perpetual unrest until it passed under the rule of the Persians. Powerful as was the kingdom of Israel under David and Solomon, yet when later it broke into two parts it was conquered by the Assyrians, and its people were carried into exile. The kingdom of the Franks twice split up into four parts: first under Chlodovech, who left the kingdom of Paris to his first-born Childebert, Orleans to Chlodomer, Soissons to Chlothar, Metz to Theuderich.[4] But the division had disastrous results: Chlodovech was killed in battle,[5] the second son, Chlodomer, was immured in a monastery, and his brothers Chlothar and Childebert seized his kingdom.[6] The *fol. 29.* Frankish realm was again united under Chlothar II.,[7] but upon

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[1] At the battle of Cannae in 216 B.C. See Livy, lib. xxii. cap. 44.

[2] Livy, lib. iii. cap. 29. It was to Cincinnatus that the Consul Minucius resigned his authority after the defeat of the Æquians.

[3] The date of the conquest of the Hyksos dynasty was *circa* 1580 B.C.

[4] Chlodovech, or Clovis, died in 511.

[5] He died and was buried in Paris.

[6] Chlodomer fell at the battle of Véséronce in 524, and his brothers seized his kingdom after his death.

[7] Craig, no doubt, intended to write 'Clotario primo.'

his death his sons again divided it.[1] Charibert took Paris or France: Soissons fell to Chilperich: Guntram took Orleans, and Sigibert received Metz or Austrasia. Once more division proved disastrous; for the brothers fought and the struggle was continued by their sons. Then followed the horrible crimes perpetrated by the queens Fredegundis and Brunhildis,[2] and the kingdom had no rest until its four parts were united under .[3] Time fails me to show from the history of other nations that even the greatest states have been brought to ruin through the want of unity and a common purpose, and have been restored to their power and influence with the reunion of their parts. If the bonds of friendship or common interest be broken, neither house nor state can stand, and their soil must lie barren: every instance of strife and division proves the fact. For what house is so firmly set, what state so strong, or government so powerful, but division and strife will overturn them?

But I am unwilling to descend into an arena in which many learned persons have contended with applause, and therefore I advance this single point in support of a monarchical constitution: That although political power has always resided ultimately in the people, who can choose the form of government they prefer, and have often overthrown ill-doing tyrants, yet in all the long centuries of the world's existence, monarchy has been accepted by nearly every people *Ethics*, Bk. x. as the most perfect form of government, and continues to this *Thalia.* day. Among the ancients, Aristotle and Herodotus have particularly devoted themselves to a discussion of monarchy. The latter records some most erudite speeches in which Otanes advocates a commonwealth, Megabyzus an aristocracy, and Darius Hystaspes a monarchy.[4]

But to return to Britain. What has been shown to be good *fol. 30.* for other kingdoms must surely be good for our own. She will

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[1] The Frankish realms were reunited by Chlothar I., Chlodovech's son, in 558. He died in 561.

[2] Brunhildis was the wife of Sigibert of Metz. Fredegundis was first the concubine and then the wife of Chilperich of Soissons.

[3] Chlothar II. He died in 628.

[4] Bk. iii. chap. 80-83.

never attain lasting peace and tranquillity so long as her parts are disunited, and while

Ovid, *Metamorph.*

> Frigida jam pugnant calidis, humentia siccis,
> Mollia cum duris, sine pondere habentia pondus.[1]

If the humours of the body are at variance, if they are not rightly balanced, but each arrogates to itself the chief importance and struggles with the others to attain it, if the head is at variance with the feet and the hands with the arms, and if every part is not in harmony, the whole body must perish.

The king is the soul of the State.

The soul alone can calm such disorders, reduce with drugs the swelling and noxious humours, confine to their own province the quarrelsome members, and exercise as it were a monarchy over the whole. If it does not, the body and its members must surely perish.

It will by now be clear to all that there is nothing more baneful than divided authority, nothing more useful and beneficial than monarchy ; and that neither an aristocracy nor a democracy has even been heard of in Britain. No doubt, as I have observed, the Britons submitted to many kings, but always under monarchical forms. At the same time the plurality of kingdoms rendered impossible any common interest, and subjected the island the more easily to the Roman yoke. For the well-being of Britain depends solely upon this, that her government should be under a single head and direction. By that means civil dissension is stifled, and danger from outside may be treated with contempt. Therefore nothing but praise must be awarded to our wise and excellent prince, who, inspired by wisdom and patriotism, is sparing neither pains nor expense to conjoin for ever and irrefragably these two proud
fol. 31. peoples, famous throughout Europe in every age for their feuds; to the end that the future may be deprived both of

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[1] *Metamorphoseon*, lib. i. 19-20. In order to incorporate the lines into his text, Craig has substituted 'jam pugnant' for the 'pugnabant' of the original. The passage is translated thus by Mr. Henry King :—

> 'perpetual jar
> And conflict, through the mass, of Hot to Cold
> Opposed, of Wet to Dry, of Soft to Hard,
> Of Light to Heavy.

opening and incentive to fresh outbreak and tumult, and that in all things, secular and religious, in a spirit of good-will and charity, there may be an indissoluble agreement between them, the definition of real friendship.

CHAPTER III

The union of the two realms has been the care and study of the greatest English Kings.

The most discerning kings of England have often realised that the union of the two realms could alone conserve the greatness, dignity and security of Britain ; and that England would never have peace at home nor take her rightful position abroad so long as a hostile neighbour dwelt so near upon her borders that within three days' space she could be invaded and swept by a formidable force. For that reason English kings have bent all their resources and effort to join Scotland to England, and to unite the two realms into a single state. But they have sought to accomplish that end by one of two methods only : either by force of arms, or by matrimonial alliances in the hope of the birth of an heir to succeed to both kingdoms. By such means only, it has been assumed, *fol. 32.* empires grow. And yet at one time or another the Roman Empire was materially increased by testamentary dispositions. Eumenes and Attalus before their death left their dominions to the Roman people.[1] The Republic, and, after its fall, the Empire, was in the habit of conferring kingdoms to mark the dependence of their holders, as Tacitus records. But in *Life of Agricola.* modern times there have been only two ways of expanding a kingdom—by conquest or succession. The more warlike English kings shared the common belief that Scotland could easily be reduced by England, seeing that the latter had so great a superiority in wealth, population, arms and material of war. And yet there are many people in England so little

[1] Eumenes and Attalus were Kings of Pergamos, *circa* 197 B.C.

informed upon their past history as to deny absolutely that any English king ever thought of subduing Scotland by force of arms. Indeed I was told so by several persons of standing, in their own opinion, during my recent visit to England, when I offered my congratulations that an ambition so ardently pursued had been realised, and that Scotland, so often and so vainly menaced by force, had at length been united to England willingly and without effusion of blood. They flatly contradicted me, and asseverated that none of their kings had attempted the conquest of Scotland, though they were quite confident that the effort would have succeeded had it been made. One person actually added, that Scotland was of too little worth to tempt England to retain the country, even had she possessed herself of it; and that Scotland owed her security solely to her cold climate, her poverty, mountains, and bogs,—a statement intended to cover the actual fact, that England's wars against Scotland have been uniformly unsuccessful. Now, I shall make it clear that since the Conquest there has not been an English king who has not seriously aimed to unite the
fol. 33. two kingdoms; that the more warlike and ambitious designed to achieve it by conquest; and that the wiser, holding such a method questionable, and its results usually unsatisfactory, sought to unite the two dynasties by marriage, with the view and intent that an heir should be born to succeed naturally to both realms. Such a result is before us to-day.

The Conqueror designed Scotland's subjugation.

After subduing England, the Conqueror, holding with the poet[1] that nothing's done if aught remains to do, resolved to reduce Scotland by force. He found a pretext for war in the fact that King Malcolm had given hospitality to English exiles whom William had bereft of all their possessions. The Conqueror, therefore, observing that Scotland offered an asylum to English refugees, and fearing attempts against himself from that quarter, made war upon Scotland. I shall not adduce the statements of our own writers, nor do I ask that their evidence should be accepted. I give the testimony of English historians whom the English themselves regard as the

[1] Lucan, *De Bello Civili*, lib. ii. 657. The following is the line:—

Nil actum credens dum quid superesset agendum.

most reliable they possess. This is what Hoveden says:[1] 'In the year 1072, after the Feast of the Assumption of the Blessed Mary, King William invaded Scotland with a fleet and army in order to subdue it.' From these words it is clear that the Conqueror designed to conquer Scotland, though the result cheated his hopes; for when he came in view of Malcolm and his light-armed troops in battle array, and both armies were ready to engage, the two kings agreed to make peace.[2] English writers declare that the Scots sued for it, and thereby seek to explain why the Conqueror, who had just subdued England, apparently shirked an engagement with the Scots; though a wise king would surely hold it better to come to terms than to risk the uncertain results of war. Our own historians state that Odo, Bishop of Bayeux, and the Bishop of Carlisle were sent to treat.[3] Odo was William's brother, the Bishop of Carlisle was his subject, and it is incredible that they should have intervened on the stroke of battle except at the Conqueror's command. Malcolm, however, refused terms unless the English refugees were suffered to return and to recover their forfeited possessions. To this, since he was fiercely enraged at the exiles, William was loath to agree. But rather than put the fruit of so many years of effort to the hazard of a single battle, he yielded, and was satisfied with Malcolm's homage for Cumberland, Westmorland, and Northumberland. Malcolm gave it the more readily seeing that Edgar, the rightful King of England, showed little promise of recovering his own.[4]

William I.

fol. 34.

Rufus also, following in his father's footsteps, set himself the easy task, as he supposed, of subduing Scotland. To that end he prepared an enormous force, both on land and sea, and advanced into Scotland. His brother Robert, Duke of Nor-

Rufus also, with similar result.

[1] Roger de Hoveden (Rolls Series), vol. i. p. 126.

[2] The meeting between William and Malcolm Canmore in 1072 took place at Abernethy.

[3] Neither Boece, Wyntoun, nor Buchanan make this statement.

[4] Craig deals with this debated event at greater length in his *Scotland's Soveraignty Asserted*, chap. 23. Whether Malcolm did homage for his kingdom or merely for the Lothians and Cumbria is a vexed point upon which Freeman and Robertson maintained strongly opposed views. There is no conclusive evidence one way or the other. See Lang, vol. i. p. 91.

mandy, accompanied him. Rufus's design in invading Scotland is indicated by Hoveden, who states[1] that he equipped a great fleet and entered Scotland at the head of an army in order to subdue Malcolm. But when the latter with a powerful army met him, he assented to a peace negotiated by Duke Robert and Edgar, both of whom were in the English army. William of Malmesbury says that Robert obtained the treaty with considerable difficulty, because Rufus had lost his baggage and many of his troops, and was in a precarious position.[2] Yet Matthew Paris unblushingly records[3] that Rufus reduced both Scotland and Wales, but that owing to the dangers besetting his march homeward, he was forced to make peace on unsatisfactory terms, to surrender twelve vills which his father had taken from Malcolm, and to promise to pay [4] pounds of gold yearly if he were suffered to proceed unmolested.[5]

Fol. 35. In the reign of Henry I. the two kingdoms were at rest; for Henry was the husband of Matilda the Good, the daughter of the King of the Scots,[6] of whose praises, handed down to posterity by many English writers, the following verse may be quoted as an example:—

> Prospera non lætam fecere, nec aspera tristem;
> Prospera terror ei, aspera risus erant.
> Non decor effecit fragilem, non sceptra superbam;
> Sola potens humilis, sola pudica decens.[7]

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[1] Vol. i. p. 143.

[2] Bk. iv. chap. i. Craig, however, distorts Malmesbury's account.

[3] Matthew, on the contrary, records that Malcolm, 'terrore percussus homagium regi fecit Anglorum' (vol. ii. (Rolls Series) p. 30).

[4] Lacuna in the manuscript. Hoveden gives the number as twelve.

[5] Craig's account of William Rufus's invasion of Scotland in 1091 is seemingly based on Fordun, Bk. v. chap 24. See also Craig's *Scotland's Soveraignty Asserted*, pp. 273-76. Malcolm did homage for the vills *granted* to him by the Conqueror. The Anglo-Saxon Chronicle confirms the intervention of Robert and Edgar. On the whole matter, see Hume Brown, vol. i. p. 60, and Lang, vol. i. p. 93.

[6] Matilda, or Maud, was the daughter of Malcolm Canmore.

[7] The lines are in Fordun, Bk. iv. chap. 39. Craig gives the second line differently. It should run: 'Aspera risus ei, prospera terror erant.' He omits the concluding couplet:—

> Maii prima dies, nostrarum nocte dierum
> Raptam, perpetuam fecit inire diem.

I thought it well to quote the verse, because nothing can conduce more to such a union as is now being negotiated than a dynastic alliance between the two peoples, in which our neighbours are content with a dowry of character rather than of means.

Stephen also contemplated the submission of Scotland to England, as is proved by the following statement of Polydore:[1] 'When the news reached the ears of Stephen he was much disturbed. For he was bent upon subduing Scotland before recalling his army thence, and he certainly was a master of the art of war.'

Stephen also aimed at conquest. *Life of Stephen.*

Henry II. also, according to Stowe, conquered Scotland. But, in fact, he never came to Scotland, and never saw the country, except perhaps from Carlisle, when he was knighted by his uncle King David, and made oath that he would never contest with him possession of Northumbria, Cumbria, and Westmorland.[2] But when he repented the cession of so large a slice of his kingdom (such was his excuse to the Scottish ambassadors who demanded reparation), King William of Scotland appealed to arms, entered Northumberland, and on his way home devastated it for its desertion of him. At Alnwick, with only sixty horsemen round him, while awaiting the rest of his army in the belief that no enemy was near him, he was ambushed and carried to Henry.[3] The latter, heedless of his oath and of all that he owed to the king's father David[4] in the war with Stephen, cast him into prison. But he never ventured to lead an army against Scotland, and preferred to keep the king, his kinsman, in confinement until he extorted from him an admission of England's suzerainty

Henry II. extorted homage from William in captivity.

William of Newbury, Bk. i. chap. 22.

fol. 86.

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[1] Bk. xii.

[2] Henry was knighted by his great-uncle David in 1149. He then undertook, in the event of his gaining the English throne, to confirm to David the English fiefs which the latter claimed in right of his wife, grand-daughter of Earl Siward. Henry at that time needed the help of David in the prosecution of his contest with Stephen.

[3] William the Lyon was made prisoner at Alnwick in 1174. Craig states the facts correctly. But it was from Malcolm IV. that Henry, in 1157, compelled the surrender of the northern counties.

[4] David I. was the grandfather of Malcolm IV. and William the Lyon. His loyalty to Henry's interests was by no means as Craig represents it.

over Scotland, and an undertaking to hold the kingdom of Henry and his heirs for the future.[1] Many of the Scottish nobles agreed to this undertaking, so great was their desire to recover their king. But after his ransom was paid, it was but a hollow peace which reigned between them for the rest of Henry's lifetime; for the Scots were exasperated. William of Newbury and several English writers declare that William merely did homage, as he was bound to do, for Northumberland and his other English fiefs.[2] In the same manner Henry himself often formally recognised Philip of France as his suzerain, as indeed he was in respect of Normandy, Anjou, and his other transmarine fiefs. English historians also show that not infrequently Brittany, Artois, and Flanders did homage to England, especially in the reigns of Edward I., Edward III., and Henry V., though none of those countries were fiefs of the English crown.[3] However, I am not prepared to challenge English statements to the effect that William did homage for his kingdom; for the record is said to be extant still in the English archives.[4] Some years later Richard I. released William from his admission of homage, in a document under the Great Seal of England and attested by the signatures of the whole of the English nobility. The draft of the release is in Hoveden [5] and Matthew Paris, and the original is to this day among the Scottish archives.[6]

England's claim to Scotland's homage abandoned.

But can it be maintained that the surrender of his kingdom and royal status by a king treacherously made prisoner is valid? For instance, Richard I., who succeeded his father on

[1] The Treaty of Falaise, December 1174. The text of the compact is in Hoveden, vol. ii. p. 80.

[2] *William of Newbury* (Bk. ii. chap. 38) says that William did homage for the kingdom.

[3] The submissions were made to the English king as claimant to the crown of France.

[4] It is. See the *Red Book of the Exchequer*, Part I. pp. xxviii, xcix.

[5] Vol. iii. p. 25. The release was granted in 1189.

[6] Though Craig elsewhere (see p. 248) says he had seen the document in Scotland, it is most improbable that he saw the original. The document was in the Castle of Edinburgh in 1282 (*Acta Parl. Scot.*, vol. i. p. 108). It was carried off by Edward I. in 1291, and is still among the English archives. It is facsimiled in *Scot. Nat. MSS.* I., No. 46.

the throne of England, obtained his release from the Emperor Henry on an undertaking to hold England of him and his successors, to pay five thousand pounds annually, and accepted investiture on those terms. Again, Hoveden[1] also states that John, Richard's brother and successor, became the liegeman of the King of France for his kingdom of England; that is, he swore fealty to him and received his kingdom as a French fief. Later also he laid himself, his successors, and his kingdom under the heel of Rome, and subscribed a document which made the English king in perpetuity the vassal of the Holy See, the tenor of which may be seen in Holinshed and other English writers.[2] That he should have done so is not surprising; for the Papacy was at that time the greatest power in Christendom. But what is much more inexplicable is that John, according to Matthew Paris,[3] should have sent envoys to the Emir Murmelius, the Emperor of Morocco, Africa, and Spain, offering to surrender his kingdom and to pay him tribute as his vassal if he would aid him against his rebellious barons. Murmelius was king of the Saracens, and, according to Matthew Paris, could put into the field 1,600,000 men. For that reason John begged his aid, and was prepared not only to acknowledge him as suzerain, but actually to adopt his religion. So unprincipled do kings become when once they have abandoned the path of honour, that they will shrink from nothing rather than lose their throne. Who can wonder, therefore, at the fate of John Baliol (who at a later time accepted his kingdom from Edward I.) at the hands of the English themselves, or blame the Scots for repudiating both Baliol and the fealty he had sworn.

fol. 87.

Can a king surrender his kingdom under duress?

History of Richard.

Murmelius Emperor of Africa and the Saracens.

But to return to Richard. Finding that the Scots would render him neither fealty nor friendship, and contemplating a Crusade with all its doubtful chances, he remitted

Richard renounces Scotland's homage.

[1] Vol. iii. p. 204. Hoveden, however, states correctly that John's homage was rendered in 1193; that is, before he became king.

[2] The text of John's homage to Innocent III. in 1213 is in Matthew Paris, vol. ii. p. 546.

[3] The narrative of John's asserted negotiations in 1213 with Mohammad el Nassir of Morocco is in Matthew Paris, vol. ii. p. 559, and also in the *Gesta Abbatum S. Albani* (Rolls Series), vol. i. p. 236.

38. the homage rendered for Scotland, restored her ancient liberty, and also all the provinces which the King of Scots formerly possessed in England, of which Henry II. had deprived him, namely, Northumberland, Cumberland, Westmorland, and Huntingdon.[1] The deed recording Richard's renunciation is extant both in Hoveden[2] and Matthew Paris,[3] both of them English historians of repute. As I have said already, the original document is among the Scottish archives,[4] and I myself have been shown it by the right worthy Master Skene, Clerk of the Register.[5] It would be rash, therefore, to accept the statement of those who declare that King William's submission is still among the English archives; for its retention would be a breach of public faith and oath, seeing that Richard bound himself most solemnly to restore to Scotland every document which recorded her homage and fealty.[6] Moreover, the two kings were on such friendly terms that William aided Richard with money, and gave him the services of four thousand men-at-arms led by his brother David,[7] of whose stout and faithful service Richard availed himself on the Crusade. Again, when Richard on his return to England was made prisoner in Germany by Leopold of Austria, and, after having been sold to the Emperor Henry, was taken from place to place to make it impossible to trace him, his first word to the English envoys, whom by good fortune he chanced to meet, was an inquiry how his brother of Scotland fared.

[1] So far as the three northern counties are concerned, Craig's rendering of the deed of renunciation is inaccurate.

[2] Vol. iii. p. 25.

[3] Paris (vol. ii. p. 355) records the event but not the deed.

[4] See above, p. 246, note 6. The original writ is among those mentioned by James Anderson in 1705 as having been carried off by Edward I., and as 'yet extant in the Archives of Westminster' (*An Historical Essay*, p. 181).

[5] Either Sir John Skene of Curriehill or his son James. See *Reg. Mag. Sig., 1593-1608*. Sir John Skene, like his predecessors and successors, signed himself 'Clericus Registri.' It is curious that Craig should have failed to reproduce the official designation in his text.

[6] Richard's deed of release undertook: 'reddimus etiam ei ligantias hominum suorum, et omnes cartas quas dominus pater noster de eo habuit per captionem suam.'

[7] Craig is here following Boece (Bk. xiii. chap. 7), who, however, gives Henry of Huntingdon five thousand men on the Crusade.

Indeed, as Roger of Hoveden declares, Richard relied absolutely on William's good faith. Nor did William fail him. He was most punctilious in visiting Richard upon his return, and contributed all he could towards his ransom. Between the two kings, indeed, both of whom were called the 'Lion-hearted,' a friendship existed such as that of Orestes for Pylades did not excel.[1] I am convinced that England would have benefited by leaving Northumberland, Cumberland, and Westmorland as fiefs in the possession of Scotland, instead of wresting them from her. By that means she would have established a perpetual obligation upon the Scottish kings, who would have been unable to become the ally of the French had they been the vassal of England for those provinces. As it was, every war in that period was caused by *fol. 39.* the three provinces, which the English refused to surrender and the Scots to abandon. Yet how inscrutable are the judgments of God; for just as England tore those provinces from Scotland, so did she herself lose Normandy, Aquitaine, and her other possessions in France.[2]

In the reign of King John there was no open war between the two countries; though raids and depredations were conducted by each, owing to John's determination by all means to recover the three dependent provinces from Scotland.[3] Granted, however, that neither Richard nor John contemplated the subjugation of Scotland, far different was the disposition of John's son, Henry III. For it is related by Polydore,[4] that when David, Prince of Wales, fled after his defeat to Alexander King of Scotland, he employed every artifice to spur him to make war upon Henry, and advanced an argument which he deemed irresistible, namely, that England regarded the King of Scots as a vassal, and his kingdom as the fief of England. Exasperated by such a statement,

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[1] Craig here amplifies a remark of Boece to the effect that there was 'gret amite and tendernes betwix the two kingis' (Bk. xiii. chap. 8).

[2] The precise significance which Craig attaches to the words 'iisdem modis' is not clear. But, as has already been pointed out, his ideas are quite inaccurate regarding Scotland's relation towards the English northern counties.

[3] This is an inversion of the facts. William the Lyon was the aggressor in the attempt to force John to surrender Northumberland and Cumberland. He failed against John as against Richard.

[4] Bk. xvi.

Alexander sent an angry letter to Henry to protest against its wrongfulness, and challenged him to a duel, as we term it. Matthew Paris declares that Alexander had the boldness to tell Henry that he neither held, desired to hold, nor could be required to hold, one foot or particle of Scottish soil from the English crown. Henry, being a high-spirited prince, could not stomach such an affront. He therefore gathered his strength, summoned all his forces from over-sea, called the Count of Flanders to his aid, and almost drained England of money to pay the foreign mercenaries, whose intended employment against Scotland he concealed. Upon the arrival of the Count of Flanders with his troops to aid the king to subdue Scotland, the English nobles, says Paris, were both indignant and contemptuous; for they were confident that even if it were needed to wipe Scotland out of existence, England by herself was equal to the task. However, the king, with a numerous army, and attended by all his nobles, set forth towards Scotland. He was met by King Alexander on the border with 100,000 men-at-arms and 1000 horsemen, ready to give their lives for the honour of their country. Whereupon, when both armies were preparing for battle, King Henry's brother Richard, the future King of the Romans, distressed that so slight a cause should provoke so great a contest and the effusion of so much Christian blood, happily succeeded in arranging terms, and both kings returned home after making a treaty. In the foregoing narrative I have followed Matthew Paris, lest any one should suppose that I have invented the circumstances myself.[1]

Henry III. designed the conquest of Scotland.

Matthew Paris quoted.

Matthew Paris's Reign of Henry III.

fol. 40.

The statement I made is therefore proved to be true; namely, that the more warlike English kings designed to subdue Scotland, and anticipated an easy task. But, as the proverb has it, there's many a slip 'twixt the cup and the

[1] The actual facts regarding Henry's expedition against Scotland in 1244 are set forth in Fordun, Bk. ix. chap. 72, and in Boece, Bk. xiii. chap. 15. Henry was moved to the attempt by the representations of Walter Bisset, an exile from Scotland for the murder of the Earl of Atholl, who played the part in England that Craig supposes David of Wales to have played in Scotland and with Alexander II. The passages in Matthew Paris which Craig has used, with embellishments of his own, are in Bk. iv. pp. 359, 380.

lip. Indeed, was it likely that an army of 100,000 brave men ready to die for their country would surrender to any prince in the world without striking a blow? Henry III., however, set so great store on Scotland's friendship that he bound the King of Scots to him by a double tie. He gave his sister Johanna in marriage to Alexander II., and after her death without issue, gave his daughter to that king's son, Alexander III.[1] Thereafter so great was the friendship between the two kings that Alexander sent 10,000 Scots to help Henry in his war against Simon Count de Montfort and the English barons, as Stowe relates. They bore the brunt of the conflict and almost all of them were killed, for the English shrank from fighting their own countrymen. At a later time Alexander sent 5000 men to aid Henry in the reduction of the Welsh.[2] Henry also would have married the younger daughter of Alexander II. had not her elder sister already been the wife of a man of lower station. Such at least is Hoveden's statement.[3]

Alexander of Scotland twice gave succour to Henry of England.

fol. 41.

When the issue of Alexander III. became extinct, save for one grand-daughter, Margaret, the daughter of the King of Norway, Edward did his utmost to secure her hand for his son Edward II. So far was he from claiming or arrogating to himself the right to dispose of her hand as Lord Superior of Scotland, that he advanced the plausible pretext, that the marriage would unite the sovereignty of an island whose division in the past had been the cause of endless calamities. The contract of marriage is still preserved in Scotland,[4]

The wars and successes of Edward against the Scots.

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[1] Alexander II.'s marriage took place in 1221. Johanna died in 1238. Alexander III. married Henry's daughter Margaret in 1251.

[2] The older authorities, English and Scottish, do not support Craig's statements regarding the assistance given by Alexander to Henry.

[3] There appears to be some confusion here. Alexander II. gave his sister Margaret in marriage to Hubert de Burgh, and in 1237 complained that Henry had not married her. I cannot find in Hoveden the authority for Craig's statement. See James Anderson's *Historical Essay shewing that the Crown and Kingdom of Scotland is imperial and independent*, p. 198.

[4] The Brigham marriage proposals of July 18, 1290, were confirmed by Edward at Northampton in a writ of August 28, 1290. It is to the latter document that Craig refers. The writ is printed in *Fœdera*, vol. ii. p. 482, in Stevenson's *Historical Documents*, vol. i. p. 162, and is calendared in *Cal. Pat. Rolls*, Ed. I., 1281-92, p. 386. If Craig by the words 'apud nos' implies that

in which it was expressly stipulated, that failing the birth of a child to Edward II. and Margaret, who would inherit both kingdoms, Scotland should remain autonomous and free; and that thereafter England should claim no manner of superiority over her.[1] Margaret, however, was untimely cut off and the marriage did not take place. Edward thereupon resolved to attempt by force what he had failed to accomplish by a marriage, and by underhand means drew to his side a party among the Scottish nobles, who were unable to agree among themselves as to the rightful successor to the throne. And how woeful were the consequences! In order to secure the homage which he wrongly held his due, Edward provoked a war which proved disastrous to both nations. In the course of it, according to English writers, 200,000 Scotsmen fell. It is probable that 100,000 Englishmen also lost their lives, seeing that the Scots proved the victors in the end. Indeed in a single expedition which Edward Bruce, the king's brother, conducted to Ireland to secure the crown of that island, 30,000 Scots and 15,000 Englishmen are said by Polydore[2] to have fallen. It may be stated with certainty that at Falkirk, Dunbar, and Berwick more Scots fell than Romans at the Trebia, the Trasimene Lake, or Cannæ. Yet, in spite of their reverses, the Scots never wavered in their resolution; and as one generation after another grew to manhood, spurred on by the defeats they had endured, they did not desist until they had driven the English from the land. After the death of Edward I., the Hammer of the Scots, as

Reign of Edward I.

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the original document was in his time in Scotland, it may be stated with some confidence that he is in error. It is not now extant in Scotland, and the Rev. John Anderson, Curator of the Historical Department in the Register House, points out to me that both printed versions of the Northampton writ mentioned above are taken from the English Patent Rolls, and that though Lord Hailes in his *Annals*, under the year 1290, summarises the writ and speaks of it as the original instrument, he actually is quoting the *Fœdera* in which Rymer printed it from an English source. The original writ of August 28, 1290, is not extant among the English archives, though it is enumerated by James Anderson in his Appendix of documents carried to England by Edward I.

[1] There was, however, a saving clause. See *Fœdera*, vol. ii. p. 482.

[2] The statement occurs in Bk. xviii., in Polydore's account of the reign of Edward II.

men term him, he was succeeded by his son Edward II., who equalled his father in intention, but carried on the war with less success. The luck changed with the leader, and the king suffered a crushing disaster in Scotland, after which the war was carried into England, and Edward was defeated twice at York.[1]

Edward II. beaten and driven from Scotland.

fol. 42.

As his final gift to posterity King Robert left two noteworthy rules of conduct.[2] The first was never to make more than a three years' truce with the English. For though he did not underrate the strength of England, having so often fought against her, yet clearly he did not fear her boasted power, and was apprehensive rather of dissension within his own country than of aggression from without. The second was this: King Robert fought thirteen times with the English, and as many times was beaten;[3] his misfortunes caused his followers to desert him; yet so great was his resolution, that he did not hesitate to engage a fourteenth time. He did so with such success that men flocked to his standard, until, supported by the whole community, he twice engaged Edward II. in Scotland, and then, carrying the war into England, as I have remarked already, twice defeated him at York. At last, when the issue, like a just judge, awarded victory to the side that had right in its favour, and both sides were weary of unending war and rapine, King Robert made peace on condition that Scotland's independence was guaranteed, and that King Edward's daughter was given in marriage to David, Prince of Scotland, King Robert's eldest son.[4] In spite of this relationship,[5] Edward III. again made war upon Scotland with intent to subject it to his sway. And though the Scots were beaten with great slaughter at Durham,[6] and King David was made prisoner, yet they did not cease to show fight. For in war it is often the unexpected that happens, and the event rarely fulfils anticipation. So it was in this case; for after sixty-six years of continuous fighting, Scotland maintained her freedom under her own laws and kings.

Edward III. compelled to restore to Scotland her independence.

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[1] See Boece, Bk. xiv. chap. 15.
[2] See *ibid.*, chap. 17.
[3] Cf. *ibid.*, chap. 8.
[4] The Treaty of Northampton, 1328.
[5] Johanna of England, the wife of David II., died in 1362.
[6] Neville's Cross.

It appears therefore that the union of the two kingdoms, or rather the subjugation of Scotland, was vainly attempted by three warlike kings. Yet both Edward I. and Edward III. won brilliant victories over the French, Spaniards, Italians, and Welsh. In fact it was not fated that union should be achieved by force, or that by such means Scotland should pass under English control. For by compulsion neither sincere nor permanent friendship could be formed. A solid union needs to be founded on affection and good-will. As Virgil remarks:[1]—

> Paribus se legibus ambæ
> Invictæ gentes æterna in fœdora mittant.

Dynastic alliance as a means to union.

But there remains another method by which union could be achieved, namely, a matrimonial alliance whence a joint heir to both kingdoms might spring. To what extent the shrewdest kings of England employed that method we shall show from the following examples.

Henry VII.'s contract of marriage between his daughter Margaret and James IV.

When James I. was a prisoner in England, and the two countries were at peace, the king married Joan of Somerset,[2] a scion of the reigning Lancastrian house; neither Henry V. nor Henry VI. having daughters. Of this marriage James II. and his successors were the issue, and they may reasonably be regarded as princes of the house of Lancaster. Again, when Edward IV. of York took the crown, he contracted his eldest daughter to James III., though death interrupted the marriage.[3] His successor, Richard III., projected a similar union,[4] and both contracts are printed in Grafton,[5] though neither marriage took place. With happier result that wise Prince Henry VII., though many and more powerful suitors in Europe aspired to the hand of his daughter, gave her to James IV.

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[1] *Æneid*, lib. XII. 190-1. Craig misquotes the second line.

[2] James I.'s marriage with Joan Beaufort took place in 1424.

[3] James III. married Margaret of Norway in 1469.

[4] Richard III. proposed a marriage between his niece Anne and James III.'s heir. Richard's death in 1485 prevented the marriage from taking place.

[5] Grafton, in fact, in his *Chronicle at Large*, does not print the contracts. He mentions (vol. ii. p. 71) the proposal in 1481 of James III. for the marriage of Edward IV.'s daughter Cicely to his eldest son, and (vol. ii. p. 158) the marriage proposal of the latter in regard to Richard's niece Anne de la Pole in 1485.

of Scotland in preference to them all; either because as a neighbour his friendship was of greater moment, or because the eventual union of the two kingdoms was already in view.[1] The English nobles and lords of the Council pointed out to Henry that of his four children, Arthur was an invalid, while it was doubtful if Henry, afterwards Henry VIII., would have issue, and that in that event the crown of England would pass to Scotland in default. Henry, in no wise moved, answered, 'What harm will England undergo in that event? She will not become a part of Scotland, but Scotland of England, the more considerable kingdom, as did Normandy in times gone by.'[2] May we not assert that the wise king hoped for and even foresaw the birth of a child from that marriage who would one day unite the two realms?

Fol. 11.

Henry VIII.'s anxiety to unite the realms.

Henry VIII. succeeded his father on the throne of England. He was at that time without male issue, and on that account wished to contract Mary, his daughter and heir-apparent (as they term it), to King James V., with the object, according to Polydore,[3] of forming a single powerful state in the island. The project pleased the nobility of both kingdoms; but when it was on the point of completion, Henry threw off the yoke of Rome, and confiscated the property of the Church. His conduct was sorely displeasing to the ecclesiastical order in Scotland, who were afraid that their own king might catch the contagion, as they called it, and follow Henry's example in his own kingdom. They therefore dissuaded James from alliance with a heretic excommunicated by the Holy See,[4] and promised him instead the eldest daughter of a more powerful king, a promise which they performed.[5] But after the untimely death of James's queen,[6] Henry, persisting in his high and laudable resolve to promote the island's welfare, arranged

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[1] The marriage-treaty was agreed to in 1502.

[2] Polydore Vergil, Bk. xxvi.

[3] *Ibid.*, Bk. xxvii. The marriage was proposed in 1523. It was rejected by the Scottish Council of Regency. See Hume Brown, vol. i. p. 356.

[4] Craig's chronology is confused here. Henry's excommunication occurred in 1533, ten years after the rejection of the proposed alliance.

[5] James married, in 1537, Madeleine, daughter of Francis I. of France.

[6] Madeleine died in July 1537, two months after her arrival in Scotland.

a conference with James at York. James, however, did not keep the appointment; for the churchmen, fearing that the conference might work them harm, dissuaded him from attending it, though Henry awaited him. James's action proved most unfortunate for Scotland; for Henry, indignant at being mocked, made fierce war upon Scotland, which resulted in the untimely death of James, brokenhearted by his defeat at Solway Moss, leaving his only daughter to succeed him.[1] Henry also had an only child, a prince of great promise. He therefore abandoned his warlike policy, made overtures for a matrimonial alliance, and sought the favour of certain Scottish nobles in his custody by releasing them without ransom.

fol. 45.

Alliance with Edward VI. is defeated by the opposing faction.

The proposal was considered in Scotland, and owing partly to the influence of the nobles whom Henry had released unransomed, partly to those who held that no marriage of greater advantage to Scotland could be devised for their queen, the union was arranged.[2] A lasting peace seemed on the verge of settlement, but the churchmen again intervened to prevent so happy a fortune, and with the greater determination, seeing that Edward had swept away those traces of Roman superstition which his father had spared.[3] Hence war broke out again, and Scotland endured a crushing reverse at Pinkie. But the Scots were not shaken from their resolve by defeat, heavy though it was. The ecclesiastical incendiaries sedulously fanned the flame of war; though the king, the Protector, and the nobility of England put forth a document in which they disclaimed the sinister motives attributed to them by the clerical order in Scotland, as also any intention to promote a union to Scotland's hurt (as the churchmen falsely declared), asserting their sole object to be the union of the two realms on equal terms to their mutual advantage, the abandonment of their old names, which carried unfriendly associa-

[1] Henry awaited James at York in 1541. Craig correctly gauges the influence which deterred James from proceeding thither. The battle of Solway Moss followed in 1542.

[2] The Treaty of Greenwich, July 1543.

[3] Craig's chronology is at fault. Under Cardinal Beaton's restored influence the Treaty of Greenwich was annulled in December 1543. Edward VI. did not begin his reign until January 1547. The battle of Pinkie was fought in the ollowing September.

tions, and the assumption of the name Britain to cover them both. The document is extant,[1] and there may be an opportunity to refer to it in greater detail elsewhere in this treatise.[2]

After the death of Edward, his elder sister Mary succeeded to the throne. In the hope of offspring to succeed her she resolved to marry, and also took a step which removed a serious impediment to the union of the two realms. The English Parliament had empowered Henry VIII., in default of heirs of his body, to regulate the succession by will (an unprecedented method), and an alleged will was produced in which Henry, on his deathbed, was represented as devolving the Crown, after his own children, upon the issue of his younger sister, Mary, to the exclusion of the issue of his elder sister Margaret.[3] Queen Mary not only proved on the surest evidence that the alleged will was a forgery, but caused its removal from among the documents in the Chancellery, and thereby opened the succession to the descendants of her elder aunt, whom the alleged will had excluded. I cannot imagine any means by which she could better have testified her interest in the union of the two realms, or more usefully have contributed to bring it about.[4]

Queen Mary.

fol. 46.

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[1] Somerset's remarkable *Epistle to the Nobilitie of Scotland*, was published in 1548, and is reprinted in the Early English Texts Society's *The Complaynt of Scotlande* (1872). See Pollard's *Protector Somerset*, chap. 6.

[2] Somerset's suggestions for a union in 1548 are described at greater length in chap. 7 below.

[3] From the elder, Margaret, wife of James IV., Mary Stewart and James VI. descended. As Mr. Pollard remarks (*Cambridge Mod. Hist.*, vol. ii. p. 475), 'the genuineness [of the will] was not disputed until the possibility of a Stewart succession drew attention to the obstacles it placed in their way to the throne.' On this matter, see R. Doleman's *A Conference about the next Succession to the Crown of England*, pt. ii. chaps 1. and 5, and also Craig's posthumously published treatise on the subject of the succession.

[4] Craig raises an interesting point. The original will of Henry VIII. is in the Public Record Office, and is endorsed as being enrolled on the Close Roll of 1 Edward VI. With it is an exemplification by letters patent, dated February 14 of 1 Edward VI. recording its enrolment. But there is no trace of the enrolment of the will on the Close Roll of 1 Edward VI., and the membrane must have been bodily removed from the Roll. On that point Craig would appear to be accurately informed. But the more interesting question arises, By whom was the enrolment on the Close Roll cancelled? Craig says that Mary Tudor did

The late Queen Elizabeth.

After Mary, the late Queen Elizabeth of happy memory succeeded to the throne. When she came to woman's estate she showed a comeliness incomparable, and her hand was sought by many of the most powerful princes of Europe. But she persistently rejected them all, and was in the habit of saying, when she was urged to marry, that the union of the two realms was the alliance she looked for, and that their joint betterment would compensate her for her unmarried lot. And indeed so it fell out; for upon her death our present most pious king succeeded as the true and rightful heir to both the British kingdoms, and under his auspices the island has attained to the zenith of its security and prosperity.

I have offered the foregoing disquisition in order to correct any disposition to suppose that our most gracious sovereign is attempting something new, or that has not been aimed at before. On the contrary, it appears that he is walking in the footprints of his predecessors on the English throne, who were ever animated by the ambition to unite the two kingdoms into one powerful state; though Almighty God, the only Author of the blessed union which has enriched our own time, withheld the boon until both nations had received the pure Gospel.

How Spain attained her present grandeur.

It will be profitable to consider the means by which Spain has attained to a position of such greatness that she is to-day a menace to the rest of Europe. From the humblest beginnings, and divided among many kings, she has succeeded, by uniting her provinces and allying her reigning houses, in bringing the whole country under a single ruler.

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so; but, as Dr. James Gairdner remarks in a letter to me on the point, 'I do not see that Mary is likely to have tampered with the records.' In the reign of Elizabeth the will of Henry VIII. was of special interest to the Jesuits, but it is difficult to attribute to them or Elizabeth the excision of the will from the Close Roll. At the same time the will technically barred James's succession to Elizabeth, and it is possible that the action attributed by Craig to Mary should be assigned to Elizabeth or her ministers at the close of her reign. It may even be mooted whether James himself was not the author of the excision of the enrolment. It was as hostile to his claims as was the so-called will of Edward VI., and the latter, as appears from a copy of the original letters patent in the British Museum (Harl. MSS., 35), was cancelled by James at Royston on April 12, 1611.

After the Arabs or Saracens had overthrown the Gothic kingdom in Spain, and upon the death of Roderick, the last Gothic king, Pelayo, a Goth, founded a kingdom in Gallicia out of the fragments saved from the wreck of the Gothic *fol. 47.* power.[1] His son-in-law, Alfonso the Catholic, recovered the kingdom of Leon from the Saracens, and being the husband of Pelayo's daughter and heiress, united Gallicia and Leon in a single and more powerful state.[2] His descendants succeeded him down to the time of Veremund, who, having no children of his own, left both kingdoms to his sister Sancha. She married, or rather was given in marriage by her brother, Veremund of Gallicia and Leon, to Ferdinand I. king of Castile. Thus the three kingdoms — Gallicia, Leon, and Castile — became one, and Ferdinand proposed to call it the kingdom of Spain, though he possessed hardly a third part of the whole peninsula. This happened about 1067.[3] Upon his death, however, Ferdinand foolishly and to the hurt of the Christian cause divided his kingdoms among his sons. Sancho, the eldest, took Castile; Alfonso, the second, took Leon; and the youngest, Garcia, obtained Gallicia. In this manner the union of the three kingdoms was broken, and the arms of the Christians were diverted from the Saracens to war among themselves. But Sancho, the eldest of the brothers, having fought against the other two, spoiled them of their kingdoms. So once more the three realms were united under one sceptre, nor were they disjoined until the reign of Alfonso VII., the Emperor.[4] He also during his lifetime divided the Spanish kingdoms among his sons. To the elder, Sancho, he gave Castile; to the younger, Ferdinand, he gave Leon. Touching upon this transaction in his history, Roderick Sancho condemns it on many grounds. He remarks that the division was likely to be of brief continuance, since unity is necessary to give strength to a kingdom. He supports his opinion by the remark of the prophet, that a divided kingdom is the

Marrana's *History of Spain*, Bk. ix. chap. 7. Toletanus, Bk. vi. chap. 18.

Hist. Spain, Bk. iii. chap. 31.

[1] Roderick, the last Visigothic king, was defeated at the battle of Guadelete in the year 711. The reign of Pelayo over the Asturians lasted from 718 to 736.

[2] Alfonso died in 757.

[3] Ferdinand died in 1065.

[4] Alfonso VII. succeeded in Castile and Leon on the death of Queen Urraca in 1126. He died in 1157.

punishment for a people's sins [1]—the kingdom of Israel was broken up owing to the wickedness of Solomon. He points out also that a kingdom is more prone to conquest if it is split up than if it stands united, and instances the verse in the Book of Kings, 'Choose ye one man among you, and the land shall have peace.' These and many other similar reflections Sancho urges in this connection. Under Ferdinand, the son of King Alfonso, the three kingdoms again coalesced, and resumed their former union and condition. Ferdinand III. succeeded his father Alfonso in Leon, and in right of his mother Berengaria, heiress of Alfonso VIII. of Castile, inherited that kingdom also about the year 1232.[2] Thus, to the joy and satisfaction of its inhabitants, unity was restored to Spain, never to be dissolved again, in Sancho's opinion.

Union of Castile and Aragon.

Not content with such a widening of their rule, the kings of Spain bent all their energy to unite the rest of the peninsula into one state, and missed no opportunity to bring it about. Isabella succeeded her predecessors in the kingdoms of Leon, Castile, and Gallicia—in Spain, in fact.[3] In the same period Ferdinand V. [4] ruled Aragon, Valencia, the Balearic Isles, and Naples and Sicily outside Spain. The Spaniards were not satisfied until these two powerful monarchs were joined in marriage, in order that their heirs might make their kingdoms a single state. After the marriage,[5] Granada and Navarre were subdued by Ferdinand,[6] and the whole peninsula, except Portugal, formed one kingdom. Still unsatisfied, Ferdinand and Isabella turned their attention to the acquisition of Portugal, whose isolation alone prevented the complete union of the peninsula. They affianced their infant son John to the daughter of Alfonso of Portugal, hoping that their issue might one day rule the whole of Spain. But John died in boyhood, and his parents had no other son.

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[1] I Kings xi. 34.

[2] Ferdinand III. (St. Ferdinand) of Castile reigned from 1214-52. He united Leon to Castile in 1230, having inherited Castile in 1217.

[3] Isabella succeeded to the kingdom of Castile in 1474.

[4] This should be Ferdinand II., who succeeded to the crown of Aragon in 1479.

[5] The marriage took place in 1469.

[6] Granada was reduced in 1492. Navarre was annexed in 1515.

Ferdinand and Isabella did not on that account abandon their intention to unite the whole of Spain under one sceptre. They gave their elder daughter, the heiress to so many realms, in marriage to the son of Emanuel of Portugal, that the issue of the marriage might unite the whole country. Miguel, Prince of Portugal, was the son of that marriage, and under him the union of the Spanish realms was looked for. But he died in early youth, and his mother predeceased him.[1] So the hopes built on him were frustrated, and the succession to the inheritance of Ferdinand and Isabella devolved on their younger daughter, who married Philip of Austria, then Prince of the Netherlands. From that marriage issued Charles v., the Emperor,[2] who became king of almost the whole of Spain, Sicily, and Naples. *fol. 49.*

Nor was the hope of adding Portugal to the other Spanish realms abandoned; for Charles married the eldest daughter of Emanuel of Portugal.[3] Philip II. was the son of that marriage, and he, in his mother's right, and as the nearest heir of Emanuel and of his uncle John, Emanuel's son, succeeded to the throne of Portugal.[4] I pass over the fact that Philip II. also married a Portuguese wife, the daughter of King John, because no issue of the marriage survived; Charles, Prince of Spain, the only child, being removed from public life.[5] Yet the marriage is evidence of the persistent determination of the Spanish kings to fashion a powerful empire out of the many kingdoms of the peninsula by again and again arranging matrimonial alliances. The result is that to-day Spain, by reason of her greatness and solidity, not only gives security to her own people, but awes her neighbours. Out of her twelve original states—Castile, Leon, Aragon, Portugal, Navarre, Granada, Valencia, Toledo, Gallicia,

How the Spanish kingdoms were united.

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[1] Miguel died in 1500, his mother Isabel in 1498.

[2] The marriage of Johanna and Philip took place in 1496.

[3] Charles V. married Isabella of Portugal in 1526.

[4] Philip compelled the allegiance of Portugal in 1581.

[5] Philip married Mary, daughter of John III. of Portugal, in 1543. Their son Charles died in prison in 1568, leaving Philip without a male heir. He married his fourth wife, Anne of Austria, in 1570, and had issue Philip III., who succeeded his father.

Algarve, Murcia, and Cordova—Spain has become a single monarchy greater than any other. What should prevent Britain from attaining the pinnacle of greatness by following in the footsteps and pursuing the methods of Spain? At least, no one will deny that the recent union has increased Britain's power, and that she is as formidable to others as Spain herself.

fol. 50. Time would fail me were I to attempt to adduce every illustration from history which proves, that just as imposing kingdoms have been brought to ruin through discord and disunion, so by marriage and succession they have been restored. The foregoing facts I have dwelt upon to make it clear that the greatest kings of England have pursued the same policy as the kings of Spain, and by constant royal marriages have sought an heir to inherit both their own and the Scottish crown, designing thereby to restore to Britain her former dignity and influence. Such also is the policy, instinct with the highest wisdom, patriotism, and regard for the interests of the conjoined kingdoms, of his most excellent Majesty King James. He, as the true father of his country, that is, his two kingdoms, and as a true son of his ancestors, has wisely resolved to follow the example of those who have gone before him, and to promote the well-being and dignity of Britain, a country in which above others the rule of a single prince is necessary for its quietude, honour, and even its continuance.

CHAPTER IV

Further discussion of His Sacred Majesty's proposal, and concerning the recent assembly of Commissioners of both kingdoms in London.

It is no new thing, nor unworthy of himself, that our most excellent king, following the footsteps of his predecessors, should promote with such enthusiasm and diligence the union *fol. 51.* of his two realms. By so doing he not only is providing for

the lasting peace and welfare of both kingdoms, but as becomes a sovereign pre-eminent for piety among his peers in Europe, has sought the countenance and blessing of Almighty God, without which no kingdom can stand secure, and has striven to release Britain, his fatherland, from the curse which long has threatened her.

To the latter motive I attach the first and chief importance, though shallow minds may hold it of little account; for it is certain that harmony and goodwill are pleasing to God, and are enjoined by Him upon His people. Our Lord, shortly before His Passion, bade His disciples love one another as He had loved them, and that all who profess the name of Christ should love one another. 'By this,' said our Lord, 'shall all men know that ye are My disciples, if ye have love one to another.' And in the same sermon, looking upward to His Father in Heaven, He said, 'Neither pray I for these alone, but for them also which shall believe on Me through their word; that they all may be one, as Thou, Father, art in Me and I in Thee, that they also may be one in Us.' And in a later passage,[2] 'I in them and Thou in Me, that they may be made perfect in one, and that the world may know that Thou hast sent Me.' In such words He clearly shows how pleasing to God is concord among men. Again, He commends and promises His blessing to brethren who dwell together in unity. If any one is tempted to neglect these injunctions as of little moment, let him at least heed and fear the wrath of God, who curses the land in which man's blood is shed. Yet, how many armies have been killed to a man in Britain! How often has the land, polluted with blood, called aloud to God for vengeance! God also abhors the man guilty of bloodshed, and threatens that the bloodthirsty man shall not live out half his days upon the earth. He curses those whose feet are swift to shed blood, and threatens the nations with destruction for their impiety and wickedness.

Therefore, following the example of King David, our most

[Margin notes: God promises to bless those who seek Him. — John xiii.[1] — John xvii. 20. — Psalm cxxxiii. — God's curse on those who rejoice in bloodshed. Deut. xxxii. — Genesis iv.[3] Psalm lv.[4] — Romans iii.[5] — *fol. 52.*]

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[1] St. John xiii. 34.
[2] *Ibid.* xvii. 23.
[3] Verse 11. The reference is to the curse of Cain.
[4] The reference should be to verse 23.
[5] Verse 15.

Isaiah lix. 7. Proverbs ii. 26.[1] Hosea iv. 3. Deuteronomy ix.

gracious sovereign desires to free Britain from the curse of bloodshed, and by all the means in his power to call down a blesssing on the land. He holds that the past has seen enough of jealousy, crime, bloodshed, and provocation, and that for the future the two realms should be rivals only in humanity and piety towards God and man. There cannot be a man of sane judgment who does not prefer that kind of rivalry to the other. Can any one, in fact, fail to set peace before war, love before hatred, calm before tumult, justice before vindictiveness, goodwill before provocation? Who is there who would not rather the greeting than the sword of the passer-by, rather be hailed as a friend than be shut out as an enemy? Friendships, as the proverb has it, should be immortal, enmities finite. There can be no one, therefore, who does not approve of the present proposal for union, a word borrowed from the Canonists and of general use, or at least give it his assent. For the mutual goodwill that must proceed from it will prove the mother of every virtue, the nursery of all that is good, and so great a blessing that lacking it no man can appreciate even those that he has.

The titles and rights of his predecessors in the rule of Britain have descended to King James.

Surely, then, none can fail to recognise and marvel at the hand of Providence in this union; since God has willed that it should be communicated from the head to the members and among them find its perfection and consummation. He has united in the person of our most gracious king the right and title of each of the races that have dwelt in Britain since it was a Roman Province; any flaw in the title of any of the past dynasties being amply made good in him. When their empire, lacerated by its foes, crumbled to decay, the Romans, unable to defend Britain against the attacks of the Picts and Scots, abandoned the island. Thereby their title to it passed to the Picts and Scots, since by

Justinian's *Institutes*: *De rerum divis. fol.* 53.

Jus Naturale abandoned property is the prize of the finder, as though it had been placed in his hands by its former owner.[2] At any rate the Romans relinquished to the ancient Britons the rights of which they had forcibly deprived them. The Britons then set upon their throne Aurelius Ambrosius, sprung from

[1] The reference should be to the 22nd verse.

[2] Justinian, Lib. ii. tit. I. cap. 47.

one of their old families which had crossed over into Brittany.[1] Owing to his success against the enemy in one or two battles, the kingdom was conferred upon him and his heirs. But when the Britons were beaten in battle after battle and proved unequal to so prolonged a struggle, they called in the powerful race of Saxons to fight for them as mercenaries. Their sufferings at the hands of the Picts and Scots were light compared to what they endured from the Saxons. For the latter, remarking the fertility of the land and the Britons' inability to make war[2] (they having so long enjoyed peace), summoned from Saxony all their people who were in poor circumstances, promising themselves an easy prey. Then, turning their arms against the Britons, in whose defence they had engaged, they drove them from their homes and kingdom. Thus the descendants and heirs of Aurelius Ambrosius were wrongly spoiled of their inheritance, though part of the kingdom remained in their hands for a little time longer.

Aurelius Ambrosius had two sisters, Anna and Ada, who were taken to wife by the kings of the Picts and Scots. On them and their issue, therefore, the rightful succession to Britain devolved upon the extinction of the male-issue of Aurelius and his brother Uther Pendragon, so called from his crest. When that contingency occurred, the throne of Britain passed to the issue of Anna and Ada, the sisters of Aurelius, and through them to the Picts and Scots. Accordingly, when the Britons refused to accept a foreign king, Modred, king of the Picts, the son of Anna and nephew of Aurelius, made a league with his kinsman the king of the Scots, and sought by might of arms to maintain his right. So fierce a war he waged, that the leaders on both sides and more than 30,000 men were slain,[4] and though the Picts and Scots were victorious, so shattered were their armies, that they were obliged to

Geoffrey of Monmouth.[3]

[1] Bede (Bk. i. chap. 15) calls Aurelius a Roman 'of the royal race.'

[2] Craig's error on this point has already been noticed.

[3] The mythical history of Aurelius is detailed by Geoffrey in Bk. viii. Craig, however, follows Boece (Bk. viii. chap. 21) regarding the marriages of his sisters. The elder, Anna, is there alleged to have married Lot, king of the Picts, and to have had issue three sons, of whom Modred was the eldest; while the younger, Ada, married Conran, king of the Scots.

[4] Craig here follows Boece, Bk. ix. chap. 12.

Fol. 54. return home. Thus without further dispute Britain was left to the Saxons, who, taking advantage of the crippled condition of the two peoples opposed to them, landed with fresh forces. None the less, and in like manner as the right to the crown of France passed to the descendants of Edward III., the right to the kingdom of Britain remained with the descendants of Modred and passed to Hungus, king of the Picts, whose daughter married the king of Scots.[1] Inasmuch as no other children of Hungus survived, the title both to the Pictish and ancient British kingdoms devolved upon the Scottish kings. But the Picts were as determined as the Britons not to accept the rightful heir, and so bitter was the contest between them and the Scots, united though they were by many ties and treaties, that the very name of Pict was obliterated with their kingdom,[2] and the Scots took possession of their territory. Now, seeing that the Scottish king was descended from Ada, the younger sister of Aurelius Ambrosius,[3] and inherited the rights of the elder sister through his Pictish descent, he became the legal heir to the throne of Britain. That right has been transmitted in unbroken title from then till now, and has passed to our present most gracious king.

The king of Scots is the legal heir of the ancient Britons.

To return to the Saxons. They made themselves masters of the greater part of the island, and set up a Heptarchy which lasted for some generations, until the Heptarchic kingdoms were compressed into one under Egbert. But the devolution of the Saxon kingdom, like its establishment, was marked by flaws, or, in legal phrase, *vitium reale*. I do not dwell on the acts of butchery committed during the Heptarchic period, by which one prince or another was constantly bereft of his kingdom and his life. As its foundation was wrongful

[1] Boece (Bk. x. chap. 5) writes that 'Hungus, King of Pichtis, gaif his sister, Fergusiane, in marriage to King Achaius; quhilk had ane sonne to him, namit Alpine.' Geoffrey of Monmouth gives no information on the point, and Buchanan (Bk. v.), stating that the male issue of Hungus became extinct, repeats Boece's statement that Hungus's sister, and not his daughter, transmitted his claims.

[2] Craig's error on this point has already been pointed out.

[3] Geoffrey of Monmouth gives no indication of the genealogy of Ada's descendants. Boece (Bk. viii. chap. 21) writes that 'Ada partit with child within two yeris efter scho come in Scotland, and deceissit.'

and rooted in violence, to use no harsher term, so by the just judgment of an avenging God its end was fitting. For, to begin with, that part of the island known from the time of Ine or Egbert as England was conquered by the Danes and Norwegians. Then (with the approval or assent of the English) Danish kings ruled the kingdom for a period of twenty-nine, or, as some say, twenty-seven years;[1] nor were they ever deprived of their title by force of arms. Such as it was, the Danish title to the British kingdom has descended to our present gracious king, the sole survivor of Cnut the conqueror of England, as any one may easily discover in Krantz.[2]

fol. 55.

The Danish title also has devolved on King James.

The throne of England was restored to its native kings, however, in the person of Edward the Confessor, whose heir was his nephew the Etheling Edgar, son of his brother Edmund (known as Ironside for his valour). In the event of his dying without heirs, as actually happened, Edgar's title passed to his sister Margaret, who was already the wife of Malcolm, king of Scots.[3] Through her, therefore, not only the title to the English crown, but almost every title of nobility in England, passed to Scotland, as English historians unanimously allow. Yet the Conqueror obtained the kingdom, both by reason of his greater military strength, and also because, as some suggest, the English themselves were ready to accept one who could give them greater security against the Danes and Norwegians, who were again presenting a menacing demeanour. The Conqueror's descendants have ruled England well and wisely from that day to the present, though to the exclusion of the rightful heirs to the English crown. For the legal right, as I have remarked, was conveyed to the Scottish line through the marriage of Margaret and Malcolm, and, though latent, resides in the descendant of that line, our most gracious sovereign, the only and rightful heir of the English line. Hence it is patent that in his present most gracious Majesty centres the titles of the Romans, the Saxons or English, and

Our gracious king is the sole heir to the Saxon crown.

[1] Cnut began his reign as sole king in 1016, and he and his sons ruled until 1042. The period of Danish rule may, however, be dated from 1013, the year of Swegen's acceptance by the English.

[2] Albertus Krantz, *Chronica regnorum aquilonarium*, published 1562.

[3] The marriage took place about 1068, but the precise date is not determined.

the Danes, the three royal houses which at different times have claimed the crown of England.[1]

He inherits also the Norman title.

There remains, however, the Norman title. Though it has the sanction of almost six centuries' continuance, yet it was not without flaw. For right and justice are alien to force and violence, and the Conqueror had no valid right to the English crown other than his victory in battle gave him. Whatever its validity, however, whether good or bad, the Norman claim also has descended to his Majesty, and has come to him purged of any flaw in title, in legal language, since it has reverted

fol. 56.

to its lawful heir and possessor. Thus, unless I strangely err, the title of every race which, by might of arms or prescriptive title, has at different times ruled England is united in the person of our most gracious king. He has willingly accepted his inheritance of rights and titles, and anxious to further a similar union among the constituents of his crown and make it complete, is now striving to the utmost to secure the support of his Estates in both kingdoms for the perfecting of his project. In the assurance that the subjects of his ancient kingdom were already in favour of it, he brought the matter before his English Parliament at Westminster in July 1604, but secured only its assent to the appointment of experienced commissioners by both kingdoms to confer on the conditions of the proposed union and to determine the foundations on which to establish it permanent and inviolable.[2] London was selected as the place of meeting, and thither a number of noble, public, and learned men were delegated to proceed from Scotland,[3] to confer with the English Commissioners regarding

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[1] It is unnecessary to remark upon Craig's argument further than to point out that it postulates the existence *ab origine* of a recognition of the law of primogeniture and of right divine. The opposite view was maintained by Doleman in the first chapter of his *Conference about the next Succession*, and is examined and refuted by Craig in Bk. i. chap. 17 of his treatise on the Succession.

[2] See the Act in Bruce's *Report on the Union*, vol. ii. App. 4. The English Commissioners were empowered to consider 'such an union of the said realmes of England and Scotland . . . convenient and necessary for the honour of His Majestie, and the weale and common good of both the said realmes.'

[3] The Scottish commission was dated June 11, 1604. It nominated thirty-one Commissioners, including 'Maister Thomas Craig, Lawer.' See Bruce, vol. ii. App. 13. The Commissioners were empowered 'to confer, treat, and consulte

the advantages and disadvantages of union, and the means and bonds by which it might be indissolubly cemented. It was hoped that the conference would be able to make clear the advantages to be looked for from union, and the obstacles to be encountered, so that his Majesty might employ his utmost care to remove the latter and so promote the first. The discussion was intended to form merely the *παρασκευή* to larger and more weighty measures, as men mould wax before affixing the seal. However, as Seneca remarks, there is nothing too sacred for sacrilege, and no action so piously and honestly conceived as to gain the assent of all men.[1] Hence some regard his Majesty as over-eager and zealous in summoning the conference, and regard the expense and labour involved in it as unnecessary, seeing that by God's blessing union had come about by natural causes on the death of Queen Elizabeth of blessed memory. Others again are of opinion that *fol. 57.* nothing has been devised by the conference tending to a solid and lasting agreement, and that many points have failed to receive consideration, and those of the greatest moment, which are calculated to inflame still further the strained relations existing between the two peoples. Both objections must be refuted, since they reflect on his Majesty's most righteous proposal.[2]

The advocates of the first state their position thus: Upon the death of Elizabeth of undying memory the title to the two realms devolved upon the same person, and seeing that his

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upoun a perfyte unioun of the realmes of Scotland and England . . . not dirogating ony wayes ony fundamentall lawes, ancient privileges, offices, richtis, digniteis, and liberteis of this kingdome.'

[1] *De Beneficiis*, Bk. vii.

[2] The Commissioners at Westminster signed the proposed Articles of Union on December 6, 1604 (see them in Bruce, vol. ii. App. 15). In the English Parliament the project was shelved, in spite of James's endeavour to carry it in 1607 (see his speech of May 2, 1607, in Bruce, vol. ii. App. 21). In Scotland an Act of Union was passed by the Estates on August 11, 1607, but as it was conditional upon England's acceptance of recriprocal conditions it remained inoperative. Antipathy to the proposal of the king was deep-rooted on both sides, and, as Professor Hume Brown remarks (vol. ii. p. 248), 'it is open to doubt whether the time was ripe for such a coalescence of the two peoples.' See a close account of the whole matter in Bruce, vol. i. sec. i., and also the Scottish *P. C. Reg.*, vol. vii.

Majesty was summoned by and took the crown on the invitation of the English Estates in Parliament, after both Estates had confirmed his title, the union of the realms was thereby settled and accomplished. In law a thing is perfect which is consistent in all its parts and is incapable either of addition or subtraction. And on the death of Elizabeth, every law, divine, natural, civil, and municipal gave the kingdom to his Majesty, as the true and rightful heir, and constituted him its king. As every one knows, the will of the people can no more call a prince to the throne than it can eject him from it; for kings are called to the throne by God through hereditary succession, though, as in the present case, the approval of the people is often invited as an emanation from that same high source which bends all things to its will. Such was the case with his Majesty, who with the eager assent of all was summoned from Scotland to assume the crown of England.[1] It follows, therefore, we are told, that from the moment of the death of Elizabeth of blessed memory the union was perfected and consummated in the person of his Majesty, the sole king of both realms, and with the unanimous assent of both. The exaggerated care and solicitude to contract a new union is therefore in effect to belittle the force of the earlier union, which is fully effective for all the objects in view. For what more can be done if the binding solemnity of an oath is not sufficient? By what bond can human society be held together if men do not stand by the laws under which the everlasting God has called his Majesty to the crown of this monarchy, or if his natural right and its distinctive character do not impress them? If men are not bound by their legal obligations, whether international or municipal, what force is there capable of binding and engaging them under their lawful superior? Hence objectors hold that it is needless to expend so much labour on a matter already settled and complete, and that the conditions now proposed destroy and contradict those of the earlier union. They tell us that the earlier union arising from the succession is absolutely solid and complete, viewed in relation to the

De Origine Juris, Lib. i.

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[1] Craig's arguments on this point are elaborated in Bk. i. of his treatise on the Succession in answer to Doleman.

king himself, and is beyond the power of any subject to modify; that no fresh bond can be devised to strengthen those which already bind his subjects to the king: that we are every one of us his liege vassals and subjects, and bound to offer our possessions, our lives, and aught that we hold dearer than life, in defence of his well-being, dignity, fame and fortune. This is an obligation which we Britons generally call lealty, the bond by which lieges are held subject to their suzerain, the oath of feudal allegiance, than which there can be no human bond more strong and inviolable. For whether the oath of allegiance is actually taken by the individual or not, it is presumed in law invariably that it has been taken, and in law presumption is equivalent to fact: with the result that the subject is so bound by it as to create a perpetual obligation, whether he has personally subscribed the oath or not. The Crown's vassals in both kingdoms, it is alleged, could not be bound to the sovereign by a more intimate tie than that of the oath of allegiance or fidelity. And if we consider the matter as it affects the people of Britain, and compare the situation from the standpoint of common allegiance, the earlier union, we are told, embraced them all in a single body politic; for if a single lord becomes the sovereign of two or more fiefs, his vassals share an equal obligation towards him in each, and are peers of his court and compeers in his household. As liegemen they are subservient to the same obligations, and are, so to speak, σύμμαχοι or σύζυγοι. As vassals holding of their liege lord they are alike competent to act as judges and to enjoy every kind of privilege.[1] In such language lawyers have unmistakably laid down what is the status of co-vassals under the same lord; namely, their lawful and customary right to enjoy identical dignity, equal opportunities for judicial employment, and equal privileges impartially. Accordingly some objectors impugn the recent conference assembled with such ceremony at London as having weakened rather than strengthened the union; inasmuch as privileges

Vassals of the same superior enjoy identical privileges.

Baldus, chap. 4, sec. 8, 2

[1] Craig discusses the proposed exclusion of Scotsmen from official positions in England later in this chapter.

[2] Baldus de Ubaldis, *De Feudis*.

have been allowed to the one nation which have been denied to the other, while prohibitions have been laid on the one that have not been imposed on the other. And they allege that so long as this inequality continues, the equality of rights implied by union is broken; since an exception breaks the rule, and any difference or distinction negatives a union.[1]

Another class of critics objects that the recent conference between statesmen of experience did no more than secure unanimity on five or six points which needed no consideration, since they were already determined automatically and legally. For instance, as to the abrogation of hostile laws,[2] they regard them as already inoperative from the circumstances of the case, and as no longer legally pertinent or applicable. For, these critics ask, how can hostile laws continue operative between two nations which in the nature of the case cannot be at war with each other now or in the future? War is inconceivable except between two nations separate and obedient to different rulers, one of which has injured the
fol: 60. other, until the satisfaction demanded has been refused, and a formal declaration of war has been proclaimed. But between the subjects of the same king, as the inhabitants of Britain are to-day, there can be neither strife, quarrel, nor disturbance, and assuredly not a justifiable war. For if one part is injured by the other it will not seek redress by force of arms, but will appeal to the common sovereign to judge the quarrel, and he will summon both sides and do right between them, condemning the rebellious and contumacious in fines, punishments, or other penalties. Hostile laws between people who cannot stand in hostile relations one to the other lapse as a matter of course, and therefore there is no need for their formal cancellation. Such is the contention of these objectors.

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[1] In the signed Articles of Union such inequalities as were recommended relate to commercial proposals. See Bruce, vol. ii. pp. lxxix *et seq.*

[2] In their first Article the Commissioners agreed: 'That all the perticular hostile lawes hereafter enumerated, and all others of the same nature, now omitted, which have beene made and conceived, expressly by name, by England against Scotland, as enimyes, or by Scotland against England, as enimyes, shall bee propounded to the parlyaments of both realmes, at the next sessions, to be abrogated and utterly extinguished.' The Commissioners enumerated ten English and fourteen Scottish laws of a hostile nature.

Such also is their argument regarding the second topic before the conference,[1] the cancellation of the Border laws, which they declare to have needed no particular consideration, since the two countries are now one under his Majesty, and their borders only those prescribed by the sea, the special laws governing them having passed with the conditions that ordained them.

As to the next matter before the conference—the commercial relations of the two peoples—it is said that trade was already free and unrestricted, not only between the Scots and the English, but between the latter and the Turks, Arabs, Spaniards, and Moors, to the mutual benefit of all. For it is not less advantageous to England to find a market for her goods than it is for other countries to have the opportunity to purchase them, and thereby encourage her to develop new industries. Indeed, if the matter is closely looked into, the advantage is found to be on the side of the seller, who is able to exchange his goods and labour for money On that account English merchants to-day are wont to sail to Muscovy, the Caspian Sea, and Syria. And if with less trouble and expense they can dispose of their goods at their own door, it cannot be denied that they will gain by a treaty of commerce. Again, under the law of nations trade is free to all men, and cannot be prohibited save to their mutual damage. Hence it is argued that commercial intercourse is not dependent on *fol. 61.* union, since it is the possession even of peoples who are severed in locality, manners, language, and religion. As to a rebate of customs and duties, that, it is asserted, is a favour in the king's gift alone, seeing that his own interests only are involved, and that the remission of customs concerns himself alone; they being but one of his many prerogatives which cannot be modified by his subjects nor by any but himself.[2]

The last point of discussion in the conference—the mutual reconciliation and naturalisation of the subjects of both

[1] See Bruce, vol. ii. p. lxxviii.

[2] If Scotland was of opinion that she benefited little under the proposals of the Commissioners regarding trade, England believed that all the advantages were on the side of Scotland. See a contemporary presentation of the English view in Bruce, vol. ii. App. 8. The recommendations of the conference on the matter are too long for insertion here. See Bruce vol. i. pp. 81-6.

nations, so that for ever hereafter Scots shall be accounted Englishmen and Englishmen Scots—was left unsettled, we are told, and distinctions were allowed,[1] though the point was the core of the whole question. The recommendations of the conference, it is objected, were so clogged with exceptions that it would have been better to have neglected the point altogether, instead of leaving it indefinite and subject to controversy, with doubts and distinctions such as even a blind man could scarcely fail to detect in the formula of naturalisation. For when, as in this case, distinctions are allowed, a perfect union cannot be said to exist.

It is objected also that many subjects of the utmost importance were not considered by the conference, the settlement of which would have conduced directly to the joint interest of the two countries; for instance, the suggested change of name and the advisability of the two countries adopting a common designation for the future.[2] Again, the compatibility of the maintenance of the Franco-Scottish alliance with the proposed union, seeing that our own advantage ought to be secondary to the fulfilment of our obligations towards France, and that in making new ties we ought not

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[1] The Articles of Union recommended that subjects born after the demise of Elizabeth should be enabled to inherit and possess property and to occupy offices ecclesiastical and civil under the Crown 'as fully and amply as the subjects of the realme respectively might have done, or may doe, in any sorte, within the kingdome where they were borne.' Subjects born before the demise of Elizabeth were expressly debarred from holding 'any office of the crowne, office of judicature, or any voice, place, or office in parlyament; all which to remain still free from being claimed, held, or enjoyed by the subjects of the one kingdome within the other, borne before the decease aforesaid, . . . untill there be such a perfect and full accomplishment of the union as is mutually desired by both the realmes.' Objections to the proposed status of the *post-nati* were chiefly urged from the side of England (see Bacon's speech in the House of Commons, and the restrictions proposed by that Chamber, in Bruce, vol. ii. App. 18-20). Craig's reference to the word 'naturalisation' as indefinite is confirmed by the Commons' description of it as 'a word unusuall in lawe,' 'very large and newe, and therefore subject to many interpretations.'

[2] The Articles of Union made no recommendation on this point, though James already (November 15, 1604) had issued a proclamation by which he assumed the style and title of King of Great Britain (Bruce, vol. ii. App. 14). The proposal was unpopular in both countries (see *Ibid.*, vol. i. p. 78; vol. ii. App. 6).

to violate old ones.[1] Again, the possibility of reconciling and assimilating the laws of the two countries, so diverse in their character, with the object of subjecting each to an identical system.[2] The contracting of alliances by marriage also. All these are matters which the conference has totally neglected.

I propose to meet these criticisms. And first as to those who hold that the union was perfected when his gracious Majesty succeeded to the crown upon the death of Elizabeth of blessed memory. I certainly admit that union took place on the death of Queen Elizabeth: but I am also convinced that valuable work was done by the Commissioners of both nations in the recent conference at London. The Cæsars were elected in camp by the legions; and yet the sanction of the Senate was regarded as essential, for it alone conferred on them the title Augustus. In like manner, though kings ascend the throne and kingdoms are united by process of succession, yet an inauguration, coronation, or proclamation is oftentimes requisite. At the same time, even without such a procedure the king's title is sufficiently established; instance the case of Edward III., who was neither confirmed nor crowned as King of France, nor received the suffrages of the French nation, and yet was the rightful king of France. There is the case also of Edward V., who is counted among the kings of England, though he was never crowned, nor was his succession confirmed. And in regard to the hostile laws, I would point out that the statutes which enact them are for the most part prohibitory; for instance, they forbid the subject of one kingdom to aid one of the other with counsel, arms, horses, money, or the like.[3] They remain in force, we are told, until they are discharged by a special statute. But laws of that character could not cease to be operative by virtue of a general

The first objection answered.

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[1] On the side of England there was some apprehension as to the continuance of the Franco-Scottish *entente*. See especially Bruce, vol. ii. p. cxxxviii.

[2] It may be pointed out, however, that the Scottish Estates expressly reserved the laws, privileges, and customs of Scotland from the commission of their representatives at the conference (see above p. 268, note 3). No such reservation was made on the side of England. See the considerations offered to the Lords by the Commons, in Bruce, vol. ii. p. cxxxvii.

[3] An abstract of the hostile Border laws of both kingdoms is in Bruce, vol. ii. App. I.

recommendation or statute passed by the English Estates. In order to abolish them, and with them the memory of past hostile relations, a joint resolution by the representatives of the Parliaments of both realms asserting their abrogation was required. Some persons regard this as merely a formal declaration of our rights,[1] rights already clearly established, though they admit that the declaration will be of advantage in many ways and prevent mistakes in the future.

There were also many matters on which explanations were necessary; doubtful points to be cleared up; certain provisions needing to receive retrospective validity, as being contrary to the rules of common law unless expressly dealt with. The future also had to be taken into consideration and impediments to the union removed. On all these matters a joint declaration on behalf of both kingdoms was essential; indeed it was the only sure method of forestalling the many difficulties likely to arise. Nor can it truly be said that such resolutions depreciate the existing regnal union, or in any
f. i. 13. way call it in question. On the contrary, they strengthen and confirm it in every point, both in the position of the king and of his vassals. When one person becomes the lord of several provinces or fiefs, his vassals are naturally united under one head, and become co-peers of one royal court, fellow citizens and co-burgesses of the conjoined states, and co-vassals in respect to their tenure in county or shire (a statement equally applicable to freeholders in burghs). In every case, whether their freehold is in county or burgh, they hold of their superior under an identical oath of allegiance. Therefore to assert the fact by Parliamentary statute cannot possibly challenge the completeness of the dynastic union already accomplished.

The second objection answered.

As to the second class of critics, who affirm that little or nothing was accomplished by the recent conference, they also are much mistaken. For, as I have remarked, the hostile laws could not be obliterated except by a repealing statute, and to that end a declaration by the representatives of the

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[1] Craig's argument here seems to be, that the union of the crowns implied the abrogation of hostile legislation in the past.

two nations was necessary. It was his Majesty's wise intention that before convening his Parliaments matters of a controversial nature should be examined and discussed by experienced statesmen of both nations, in order that the novelty of the proposal might not be, as otherwise would have been the case, a stumbling block in Parliament at the outset, and that all might be enabled to concentrate their thoughts upon measures requisite for the common welfare of the two nations. For the same reason, our wise prince withdrew from the arena of discussion in the conference proposals of a contentious character: such as a new name for the united kingdoms, the French alliance, and the harmonisation of the laws of the two countries, matters likely to engender heat and dispute. He rather invited attention to proposals which offered a prospect of agreement, postponing others until a spirit of mutual good-will and the friendly relations that will result hold out the prospect of their accomplishment. For the present time is too strongly charged with the memory of animosities not yet wholly buried to prevent the unhealed wound from festering or a new one from appearing. The recent conference at least contributed a good deal towards forming ties of good-will and affection between the two peoples. For *fol. 64.*
whereas we Scotsmen unreasonably had expected to meet with arrogance and contempt of our nation at the hands of the English, while the latter anticipated a fiery display of Scottish *prefervidum ingenium* in the conference and the matters before it, both proved wrong in their anticipations. Each side exhibited a spirit of accommodation, a modest and conciliatory demeanour, cool and unflurried minds, and the Scots showed a refinement conjoined with knowledge as considerable as it was unlooked for. Indeed that distinguished assembly went out of its way to offer congratulations to our country as the peer of England in talent and ability. Outside the conference, wherever we went, people expressed affection and good-will towards us, and praised the physique, hardihood, and learning of our nation, of which the latter was beyond their anticipations. Indeed in these qualities they rated us above the French and Germans. As to our poverty, if poverty be a crime, they laid the blame on our soil and not on

ourselves; though they found us better-to-do and our country richer than they had been led to expect, and anticipated that its infertility would be corrected by industry, whose employment could be looked for now that the distractions of war were laid aside. They had no quarrel with our people, the Highlanders perchance excepted, nor yet with our land. A wide avenue has therefore been opened to an everlasting union of hearts, towards the achievement of which the recent conference has made the first approach, while without it the political union of the two realms must vainly have been attempted.

The objections to union urged by our own people, and their criticisms of the recent conference in London, have not been advanced with the object of weakening or impeding the proposed union, but rather to strengthen it and rivet it the more securely. Scotsmen, in fact, are eager to embrace the proposed union and to hand it down to posterity firmly knit and compact. It is for that reason and none other that they have shown themselves eager to look at both sides of the question, and to discuss the views of the ignorant. I have *fol. 65.* held it not foreign to the scope of this treatise to meet their objections, though I should prefer to be relieved of the need to consider side issues.

Why Scotsmen have been excluded from judicial offices in England.

I have not paused to consider in detail a point on which our conduct in the late conference has been criticised particularly: namely, that we have been so careless and perfunctory as to allow our own people to be excluded from judicial and other so-called crown-offices. Nothing, it is objected, is so calculated to impede the union, nay more, to endanger it when it is on the point of completion, as that the people of one country should be excluded from honours and honourable situations which those of the other are permitted to fill. For the surest bond of friendship is equality, and Scotsmen yield to no nation in resolve to uphold their dignity. It is therefore objected that either this limiting clause should have been omitted altogether, or that the subjects of both countries should have been placed on an equality of access to all public employments. I can only answer that if these objectors had been present and had heard the heated dispute among our own

Commissioners, whether to agree to the inequality of status or to break up the conference, they would abandon their astonishment, and would cease to condemn the labours of their representatives. For the public offices from which it has been determined for the present to exclude our people are of a judicial nature, and could not be filled except by men skilled in English law. What valid ground for resentment is there, then, in the fact that the conference has closed against us an occupation which even common sense, in view of our ignorance, would have forbidden us to fill? Having regard to his duty to God and man, who would venture to occupy a judicial position in England being completely ignorant of the English system? Even among our own Commissioners in the recent conference, though there were several who were skilled in Scots, Roman, and Canon law, there was not one who could or would claim to be expert in that of England.[1] They therefore took into consideration the ignorance of themselves and of their countrymen generally on the subject, though their capability in practical affairs is admitted. They were equally aware of the impossibility of *fol. 66.* any one occupying and fulfilling the duties of a judicial position in England who had not been educated in the principles of English law from his childhood; for it is less simple than Roman or Canon law, and is complicated by many knotty and involved points. If therefore our distinguished and patriotic Commissioners yielded on this point, they did so for ample reasons; seeing that neither among their own number nor in the nation at large was there any one, in their opinion, capable of holding judicial office in England, at least without incurring grave dissatisfaction. For who would not be indignant, and rightly so, if his judge and the arbiter of his law-suits were a man ignorant of the laws he administered?

A proper sense of fitness forbade us to accept judicial posts in England, and the English Commissioners readily agreed to reciprocal treatment, and to exclude Englishmen from judicial

[1] The Articles of Union agreed to a mutual exclusion (saving the Crown's prerogative) of subjects of either country, born before Elizabeth's demise, from 'any office of judicature' within the other. See Bruce, vol. ii. p. xci.

posts in Scotland, and from all public offices of a judicial nature. At the same time, it is not intended that this mutual prohibition shall be perpetual, but merely temporary in its operation; and in the meanwhile, as far as is possible, Scotsmen and Englishmen are to be educated in the laws of each other's country. Further, the prohibition applies only to those born before the death of Queen Elizabeth. All who have been or will be born after the accession of his Majesty to the throne of England are eligible for all honours, dignities, and public offices, including those of a judicial character. Indeed, so far are our Commissioners from being open to a charge of remissness as patriots, that they inserted a clause in that article safeguarding the king's privilege and prerogative.[1] For by law the patronage of public offices and appointments falls under the head of *regalia*, that is, of rights inherent in the crown, and includes the patronage of magistracies and judicial offices. A similar power resided in the Roman Emperors after the people had conveyed to them their rights; none other could appoint magistrates or confer the right to administer justice. The kings of Britain also, while the two kingdoms were still distinct, exercised a similar right; for, as we used to be taught, *Rex in suo regno sit Imperator*. Accordingly, regarding the reservation in question, on which most anxious consideration was expended by the Commissioners, assuredly nothing was done in derogation of the king's prerogative, which was left whole and unimpaired[2] in his power to appoint judges.

Tit. '*Quae sunt regalia in feudis.*' *fol.* 67.

I have dealt sufficiently with his Majesty's proposal and the pious care which has animated him. I proceed to consider the union itself, and the nature of the treaties into which nations at variance in ancient times were wont to enter.

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[1] The ample clause of reservation in the Articles of Union is in Bruce, vol. ii. p. xci.

[2] Cf. Plautus, *Trin.*, 2. 2. 36.

CHAPTER V

Of the kinds of treaty, of union in general, and of the things necessary thereto.

THERE are those who regard the prejected union which our most gracious sovereign is so anxiously urging as merely a sort of treaty, and limited by similar conditions. In my opinion such a view is far from the correct one. There were three kinds of treaty in use among the ancients, as we learn from Livy [1] in the statement of Menippus, the lieutenant of Antiochus, to Quinctius, the Roman general.

The first kind of treaty. *fol. 68.*

The first kind of treaty was that in which the victor dictated terms to his vanquished enemy. The conditions were invariably at the discretion of the conqueror, the vanquished yielding themselves and all their rights, secular and religious. Hostages were sometimes taken, garrisons were placed in their cities, and tribute was exacted. And, of particular moment, they were required to adopt the friendships and enmities of their conqueror, and not to wage war without his permission. Examples of this kind of treaty are found in the terms imposed by the Romans on the Latins,[a] the Samnites,[b] the Macedonians,[c] Gentius, king of the Illyrians,[d] the Numidians after the defeat of Jugurtha,[e] and other conquered provinces. Antiochus, after his defeat, was deprived of part of his kingdom, though he was suffered to rule the rest as he pleased.[f] In this kind of treaty the terms were invariably dictated by the victor.

[a] Livy, Bk. viii.[2]
[b] Florus, 'Samnite War.'
[c] Livy, Bk. xliv.[3]
[d] Livy, Bk. xliii.[4]
[e] Sallust, 'Jugurthine War.'
[f] Bk. xxxvii.[5]

The second kind of treaty.

A second kind of treaty in vogue in ancient days was as it were an agreement between two nations or kings equally matched in war, and it involved no loss of status on the part of either. Each side was left in the enjoyment of what belonged to it before the treaty: each retained the right to make war

[1] Craig appears to be referring to the events detailed by Livy in lib. xxxv. chap. 32. [2] Chap. 11. [3] Chap. 45.
[4] The correct reference is to lib. xlv. cap. 43. [5] Chap. 55.

at need. Friendship, mutual intercourse, mutual commerce, and unrestricted access to each other's territory for business purposes, were conceded. Above all, the foreign policy of the contracting parties became identical, though each side preserved its own constitution intact. And this, although the closest of all treaties, was readily soluble if either side regretted it, nor could it be enforced beyond the continued acquiescence of either party to it. Examples of this kind of treaty are found in the agreements between the Romans and the Carthaginians before the First Punic War, between the Romans and Hiero, king of Sicily, and with all whom they called their allies. Of a similar nature is the treaty at present existing between France and Switzerland, under which each state maintains its separate status.[1]

Polybius, and Appian on the Punic War.

The third kind of treaty.

The third kind of treaty existed between friendly nations who had never been involved in hostile relations, an agreement not defined by conditions, but a mutual compact of alliance and friendship. In former times—not to mention foreign instances—such a confederate alliance united the Picts and Scots in their wars against the Romans, an alliance so often interrupted, though on the most trivial grounds, that the annihilation of one of the two peoples was the consequence.[2]

fol. 69.

But none of these three kinds of treaty is analogous to the scheme of union now before us. For the latter contemplates the fusion of two sovereign states into a single realm. That result may be achieved either by force of arms (in which case the sovereign of the conjoined realms is determined by the victor), or by hereditary succession vested in the monarch, as oftentimes has happened in Spain, and to-day is the lot of Britain. In a union of that character we look for a more inviolable and binding bond, transcending any treaty or conditions of peace; a tie of such a nature that any internal disagreement thereafter arising must be deemed sedition or civil war, and for that reason be condemned and abhorred.

[1] Craig refers to the Peace of Vervins, 1598.

[2] Craig employs the alleged extermination of the Picts to point several historical lessons. In his treatise on *The Right of Succession to the Kingdom of England*, p. 86, their fate is ascribed to their rejection of Kenneth, 'the true heir and Successor of the Kingdom.'

By a union or coalescing of kingdoms we imply such a fusion as results when two kingdoms, peoples, or states become one. That interpretation strictly follows the meaning of the word, 'union,' and appears more clearly in its Greek equivalent, where ἕνωσις signifies 'union' and νωντες 'things that bear a common stem,' words derived from the verb ἐνίημι, which means 'to send into' or 'to implant.' In the language of the lawyers, two bodies are thus resolved into a third, whole and distinct, and of such a nature that by no device or ingenuity can it be disintegrated into its former elements. The Poles express their union with the Lithuanians and Massagetæans by the words, 'incorporation' and 'invisceration' in order the more distinctly to define the meaning of the word 'union' and the force of it. Its opposite is expressed in the word λύειν, which signifies 'to spoil, damage, throw down, or divide,' and in Homer (*Il.* ε.) 'to cut a whole into two parts.' So, just as it is the property of union to preserve and establish, the effect of division is the destruction of both parts.

Wherein the union of two kingdoms or peoples consists, and why it is so called.

The meaning political disunion.

Let us then consider what things are essential to the proposed union, infusion, or engrafting of the two kingdoms; and whether those conditions are present already, or can be produced to further its conclusion. One thing is absolutely certain—that to bring it to a fitting and real perfection, everything which tends to diversity and distinction must be removed, while everything conducive to the formation of a single society, and the rooting of the one state in the very bowels (as it were) of the other, must be generously encouraged. Croto, a city of Magna Græcia in Italy, of immense area, was so reduced in the war between Pyrrhus and the Romans, that its population was cut down by nearly one half. The Carthaginians, whose party Croto had favoured in the Second Punic War, advised the city to admit a colony of Brutii, that it might thereby recover its former populousness and fame, and its deserted walls receive new citizens. But the people of Croto declared that they would rather perish than associate with the Brutii, or adopt strange rites, customs, laws, and even an alien language.

fol. 70.

The essentials of union.

Of the Greek city, Croto, in Italy.

Livy, Bk. xxiv.[1]

[1] Chap. 3.

By 'ritus' Livy means 'religion,' and Virgil uses the word in similar circumstances:—

> Morem ritusque sacrorum
> Adiiciam, faciamque omnes uno ore Latinos.[1]

Livy thereby teaches that the chief influences which promote union, and stimulate a desire for it, are a common religion, laws, customs, and language. Others add the sharing of a single name among the united peoples. Polybius seems to demand yet other essentials for a perfectly harmonious union, in his description of the origin and success of the Achæan or Peloponnesian League. I quote the actual words of Polybius, a most weighty authority, since none could more aptly or usefully illustrate the present circumstances. The following is his account of the league in question: 'Many previous attempts had been made to bring the Peloponnesians into agreement, but they had failed because every one was intent upon his own interests rather than the freedom of the country. Still, so greatly did the threatened crisis affect them, that they not only made a league of friendship and shared their possessions in common, but also adopted the same laws, weights, measures, and coinage, as well as the same rulers, counsellors, and judges. Nothing was wanting to make the whole Peloponnese a single city-state save that its peoples were not enclosed within one city-wall. Every other condition, or its equivalent, was present. Those who had the original right to be called Achæans surpassed the rest neither in the extent of their territory, the number of their cities, nor the wealth and valour they could supply. And while the Arcadians and Spartans excelled in population and the number of their cities, they were the equals of the rest in valour, and in prowess. The question faces us: For what consideration were these and other Peloponnesian peoples content not merely to enter the Achæan commonwealth, but also to adopt its name? It is exceedingly foolish to suppose that it was a mere accident. Rather it behoves us to inquire the reason; for whether actions are rational or irrational, there is a cause for their

The Achæan League, Bk. ii.[2] *fol. 71.*

The Achæans.

[1] *Æneid*, xii. 836. I have emended Craig's quotation.
[2] Bk. ii. chap. 3.

happening. Now, in my opinion, the reason in this case is found in the equality and freedom shared in common by all, an ideal commonwealth; for purer institutions were not found in any other Greek state.' And more to the same effect. It all comes to this, that notwithstanding the fact that the Achæans were weaker than many of their neighbours, yet on account of their humanity, fairness, and wise government, the other states were ready to enter their commonwealth or league, and even to adopt their name. Livy relates that after the death of Nabis, tyrant of Lacedæmon, Philopœmen, the Achæan general, added that state to the Achæan league, then the most formidable in Greece, to which it continued to be attached, its affairs being then in a flourishing condition. Lycortas, Prætor of the Achæans, subsequently defending their action in this matter against Appius Claudius, who accused them of depriving Lacedæmon of the laws of Lycurgus, advanced the following argument: 'So far are we from having deprived the Lacedæmonians of the laws of Lycurgus, that their own tyrants were the robbers. They suppressed the laws, arrogated the supreme authority to themselves, and made themselves masters of the state. We, on the other hand, overthrew the tyrants and replaced their rule by our own constitution, to the great benefit of that state; for we admitted it to our league and made it part of ourselves, so that the whole of the Peloponnese might be one in body and in mind,' and more to the same effect.

fol. 72.

Bk. xxxv.[1]

Bk. xxxv.[2]

Eight essentials to union.

According to the opinion of two weighty authorities, there are eight essentials to a complete and perfect union—uniformity in religion, laws, customs, and language, common rights, a single government pursuing a consistent and impartial policy, identical discipline, the same coinage, weights and measures, and, above all, the same name. Discussing the point, whether the Aravisci sprang from the Osi, or the Osi from the Aravisci, Tacitus[3] concludes that both had a common origin, seeing that their language, institutions, and customs were identical.

[1] Cap. 29, 36.
[2] The correct reference is to lib. xxxviii. cap. 32 *et seq.*
[3] *Germania*, cap. 28.

First: of uniformity in religion.

Let us first consider religion as a bond of union. There is among mankind no tie so close, so sure in its power to promote civic harmony and union, as uniformity in religion and *fol. 73.* worship. Even in our own day we have seen the French call in both Germany and England to aid them against their own king, who was anxious to subject them to the tyranny of the Roman See; so much stronger than even love of country is the bond of a common faith. At this moment the French Protestants prefer to accept English protection and to entrust their strongholds to English garrisons rather than to their compatriots of the opposite religion.[1] And yet, in the time of Charles VII., so hateful was the very name of England, that, putting aside their legal obligations, and slighting utterly their lawful lord, the Normans, whose sovereign the English king was by hereditary right, as well as the rest of France, submitted to Charles in defiance of reason and justice, a course to which they were led by the fact that they shared a common language. British history furnishes a similar illustration. All who have written on the relations of the Scots and English admit that peace has rarely existed between them, but that deadly hatred and irreconcileable war have been the rule, one nation striving to extend and the other to maintain its power. Indeed in my young days when I was in France the people used to express their belief that such and such a thing would never happen by a sort of proverb, that it might be looked for when Scotland and England were at peace, or, as the phrase is, at the Greek Kalends. For the opinion was prevalent throughout Europe, that though from time to time the two nations might agree to a truce, a lasting peace between them was in the last degree improbable. But now that for fifty years past each nation has adopted and professed the reformed religion, an uninterrupted peace has existed between them of a length and continuity without precedent. Such is the force which a common *fol. 74.* religion exerts in drawing and binding men together. It is immaterial that the two nations differ in the forms of public

[1] Craig refers to the relations of England and the Huguenots in the reign of Elizabeth. By the Edict of Nantes, 1598, the former secured liberty to practise their religion in specified localities.

worship, and that our neighbours attach significance to the vestments and titles of their ecclesiastical dignitaries; for in the essentials of doctrine a solid foundation of uniformity exists. There is certainly no cardinal point of doctrine on which the two churches disagree, nor does the one challenge what the other maintains. True, they differ in the administration of the Sacrament, but not to such an extent as to imperil ecclesiastical peace and union.[1] Both churches have honestly endeavoured to get back to the form of the original institution, or as near it as is possible. Religious worship ought to be distinguished by reverence rather than ceremony, and we have the testimony of Jerome to the fact that the ecclesiastical dignities now in use were unknown in early times. At the same time Scotsmen perhaps were somewhat excessively, but not without cause, prejudiced against the retention or restoration of the old ecclesiastical hierarchy; for they bore it a grudge, since to its influence and counsel they attributed not only the burning and ruin of many of our fairest cities, but also the fatal disaster of Pinkie, when the ecclesiastical order exerted its utmost influence to hinder the marriage between the heirs of the two kingdoms, lest the religion of the English, who had abjured the Roman Pontiff, might gain an entrance into Scotland. Both kingdoms or peoples, therefore, stand together in the matter of religion and true piety. In both the impure Popish faith is forbidden by similar penalties and equally severe laws. So far as religion is concerned, therefore, the situation is conspicuously favourable to close and complete union.

Jerome on Episcopacy.[2]

fol. 75.

I pass to consider community of language, a point on which it is unnecessary to linger. We are all aware that when God menaced the Israelites with woes and condign punishment, the greatest was a threat to set over them a fierce and warlike people whose language they knew not. Such was to be the climax of their punishment, bondage to a people whose tongue they could not understand. Again, in

The second essential: community of language.

Deut. vi.[3]

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[1] Craig did not live to witness the results of James's policy of ecclesiastical harmonisation.

[2] *Epistolæ*, CXLVI.

[3] The correct reference is to Deut. xxviii. 49.

Psalm lxxxi.[1] the Book of Psalms, among the troubles undergone in Egypt, the writer particularly mentions the Israelites' inability to understand the tongue of those set over them. Polydore Vergil,[2] in his careful inquiry into the causes which induced the French suddenly to break faith with the English, to expel the English garrisons, and to admit Charles VII. into their cities, finds a sufficient reason in the fact that the French preferred a king who spoke their language. They therefore betrayed and deserted the English, who, in spite of their invariable successes in the field, were unable to adequately garrison all the French towns, and had only small detachments in them, partly to spare their inhabitants the aggravation of military occupation, partly to avoid weakening their own army. Sooner, says Polydore, may you expect an Ethiopian to change his skin than a Frenchman to accept an English or English-speaking king. I have already mentioned the case of the city of Croto, whose people said they preferred death rather than to adopt the Bruttian tongue. Such is the value of a common tongue in promoting and conserving good understanding and friendly relations between peoples.

In connection with the present union it is unnecessary to discuss identity of language, seeing that both peoples use the same speech; though, if our neighbours will allow me to Cf. p. 76. say so, the Scottish vernacular is more akin to Old English than is the language spoken in England to-day. For the English, admitting new words from neighbouring languages, Latin, French, and Italian, with the object of strengthening it, have corrupted their own. I myself remember the time when the inhabitants of the shires of Stirling and Dumbarton spoke pure Gaelic. But nowadays that tongue is almost relegated to Argyll and the Orkneys, so that one rarely comes upon any who speak it. There is not a single chieftain in the Highlands and Islands who does not either speak, or at least understand, English;[3] and even in the Orkneys and Shetland,

[1] Verse 5. [2] Camden Society's edition, p. 51.

[3] Craig's statement is interesting. The Band of Icolmkill (1609) is usually pointed to to explain the familiarity of the Highland chiefs with the English tongue (see *P. C. Reg.*, vol. ix. p. xxv, *et seq.*). Craig died in the year preceding the Band.

where in the course of this very century[1] nothing but Norse was spoken, the ministers of God's word now use English in church and are well enough understood.[2] Many also write in that language, and if (as I understand is the case) a London Merchant Company is to be formed to exploit the fishing in Skye and the Lewis, and if in consequence troops are sent thither and a settlement is made for the workmen employed in the fishing, and if schools are established, I have not the slightest doubt that before the century is over Gaelic will no longer be spoken on the mainland and islands of Scotland. But my present point is, that it follows naturally from the use of a common language that the peoples who speak it should enter more easily into relations of amity and union and enjoy the benefits of civilized society.

I return to Polybius and his account of the Peloponnesians. And there is no part of the universe nor any national character more congruous to my present argument than the Peloponnese. If it is not an island it is nearly so. It is the most renowned part of Greece, and but for a narrow isthmus is actually an island. It was the seat of very famous cities: Corinth, situated in the narrowest part of the isthmus, Argos, Mycenæ, Lacedæmon, Patræ, Messene, Corone, Methone, Elis, Pisa, and many others. They were all under different kings, and were often at war before they entered the league described by Polybius. Yet they adopted the same laws, weights, measures, coinage, rulers, counsellors and judges, so that, as Polybius remarks, the Peloponnese needed but a surrounding wall to complete its likeness to a single city-state. In almost every other respect its unity was complete. ii. 37.

Let us consider one by one the points mentioned above on which community of practice was secured. And first, as to community of laws. This is a subject which requires more detailed treatment, and I propose to devote my next chapter to it. Meanwhile let us consider whether diversity of weights, measures, and money can avail to hinder union.

The third essential; common laws.

Fourthly, diversity of weights, measures and money.

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[1] Craig, no doubt, means the previous, or sixteenth century.

[2] See Gilbert Goudie, *Celtic and Scandinavian Antiquities of Shetland* (1904).

or to break it when formed. Undoubtedly most people will hold that it can do neither. In Germany the coinage varies in form, weight, and value, and yet the country is knit in close political union under one Emperor, though there is hardly a duchy, province, or even city, without its distinctive coinage and system of weights. The same thing is observable in France and Spain, where, though the coinage is uniform throughout the kingdom, the weights and measures vary. For instance, there is no uniform measure of wine or oil. A cask of wine in Paris contains less than in Poitou and throughout the whole of Aquitaine; and yet the French provinces are united in an indissoluble bond under one king. For my own part, if I may venture to speak on so important a matter, I can imagine nothing more apt and useful to promote and preserve the proposed union than that both countries should for the
fol. 7v. future use the same weights, measures, and coinage. Diversity therein not infrequently fosters disunion; for people are apt to imagine themselves in a foreign country when they are obliged to use coins and weights different from their own. In Greece, within and without the Peloponnese, the coins in use were identical, except that the Attic *talent* was of two kinds, the great and small. The other coins, *mina*, *drachma*, *didrachm*, *stater*, *obol* (the smallest according to Servius[1]) were the same. The Hebrews also had a coinage distinct from those of other nations. Their *shekel* was equivalent to the Greek *stater* in value and existed in two forms, the common shekel, and the shekel of the Sanctuary, and it was also subdivided into smaller parts. The Romans divided the *as* or pound into twelve parts, and used them in all their business transactions. In addition to the *as* they had the *sestertius*, *biga*, *quadriga* (coins named after the pair- and four-horsed chariot stamped upon them), and others varying in value according to their weight and material.

Many clever people have tried with praiseworthy effort to adjust the Greek and Hebrew coinage to the Latin standard,

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[1] Servius, *Grammatici qui feruntur in Vergilii carmina commentarii.*

and the latter to the system now in use in Italy and France. With far greater ease would it be possible to reduce the English and Scottish systems to a common standard. For in our coinage, as in many other things, we have undoubtedly borrowed from our neighbours. Originally oxen, cattle, or game took the place of money in bargaining and interchange of property. But eventually the Britons, according to Tacitus,[1] after they had been reduced by the Romans, began to study the literature and rhetoric of their conquerors, and viciously imitated their habits of dress and feeding. They adopted the use of coins at the same time.[2] It was not until a later time that these refinements reached Scotland; for owing to our detestation of the Roman rule and its characteristics, we remained satisfied with our simpler dress and diet. However, *fol. 79.* both countries employed the same monetary system not so very long ago.[3] Both reckoned in marks, shillings, and pence, and at a later period adopted the pound.[4] Owing to the depreciation of metals, and to the increasing tendency for their worth to be arbitrarily declared by the king, the value of the noble and angel was never constant in England, and their use is comparatively recent.[5] But, as I said, values were computed in marks, shillings, and fractions of them, and originally the Scottish shilling and penny were equivalent to their English counterpart.[6] That worthy gentleman, Archibald Napier of

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[1] *Agricola*, cap. 21.

[2] This is not correct. Gold coins of a type derived from the *stater* of Philip II. of Macedon were in use in Britain from about the middle of the second century B.C. See Grueber's *Handbook*, p. vii.

[3] Mr. Grueber states (*Handbook*, p. 162) that before the reign of David I. the coins current in Scotland were mainly English, and that after David's reign the preponderance of English coins in circulation continued. Even in the fourteenth century the proportion of English to Scottish coins in circulation was about 30 to 1.

[4] The pound, like the mark, was originally merely money of account. The first gold sovereign was minted by Henry VII. in 1489.

[5] The English noble was first struck in 1344, and the angel about 1470. The first Scottish noble was struck about 1358.

[6] 'The types of the early Scottish coins are similar to those of the contemporary coinage of England, those of David I. being almost identical with Stephen's. Their weight too was about the same, ranging from about 24 to 22 grs. to the penny ; the normal weight being 22½ grs.' (Grueber, *Handbook*, p. 162).

Merchiston, who is a skilled numismatist, once showed me sixteen silver coins of Robert Bruce's reign which together weighed one ounce of pure silver,[1] and it seems probable that at an earlier time twelve coins went to one ounce of silver. That was the period, so often referred to in our records, when a boll of wheat was worth twelve, fourteen, or sixteen, and a tun of French wine forty shillings. But to meet the expense of the French war, when the public and royal revenues were unequal to the burden of maintaining the struggle against a much more wealthy prince, and money had to be got by some means or other, our neighbours set a bad example. First of all the metal was mixed with alloy, and as the coins were not reduced in weight, the ignorant populace was cheated.[2] The Emperor Henry IV., also, in the course of his Italian campaign, was compelled to substitute leathern discs for coins, to remain current so long as the war lasted, under a promise to redeem them with good money when the war was over, a promise which he kept. No doubt the English kings at first gave a similar undertaking, though poverty, which war invariably causes, prevented them from keeping their promise. Our own kings had a more slender income, and were frequently in financial difficulties. They therefore followed their neighbour's example, with the result that the debasement of the coinage
fol. 80. caused fluctuations in the price of commodities, and consequent hardship. But as time went on, the debasement of the coinage

[1] Robert Bruce minted one issue each of pennies, halfpennies, and farthings. The penny weighed $21\frac{1}{2}$ grains, and was composed of $11\frac{1}{10}$ silver and $\frac{9}{10}$ alloy. Twenty-six shiliings and three pence were struck to the pound instead of twenty shillings as in the reign of David I. See Grueber, p. 166; and Richardson's *Catalogue of the Scottish Coins in the National Museum*, p. 35. Sir Archibald Napier, seventh of Merchiston, was Master of the Scottish Mint, and died in 1608. See *Dict. Nat. Biog.*, vol. xl. p. 34.

[2] The numismatic history of Scotland begins in the reign of David I., the Scottish coinage being then and for generations thereafter regulated on the English standard. Consequently the money of the two countries was current interchangeably on equal terms. But Robert III. and his successors issued base 'billon' money, pennies and halfpennies, of the same type as similar pieces in silver, which, added to the importation of foreign coins of all kinds, and to the practice of clipping, altered relative values. Hence, as Craig correctly states, when James VI. ascended the English throne, the ratio between Scottish and English money was as 1 to 12 (Grueber, p. xlvi *et seq.*).

ceased to satisfy the greed of the kings. The price or current value of the coin was enhanced, and consequently the Scottish penny, which originally equalled the English penny, was reduced to half its value, a single English penny having the purchasing power of two, and ultimately of three, Scottish pennies. I have been told by that well-known man, Henry Balnaves,[1] Senator of the College of Justice, that throughout almost the whole reign of James v. one English penny was equal to three Scottish coins of the same denomination. I can add my own experience: when I was a boy, four of our Scottish pennies were equivalent to one English penny, and from that time the discrepancy in value has increased so extraordinarily, that at the present time one English penny has the value of twelve Scottish coins of the same denomination. But it is easier to find fault with the past than to alter it.

The differing values of the English and Scottish penny gradually became greater.

To return to the point immediately before us—the establishment of an identical coinage of relatively equal value in the two countries. His gracious Majesty has decreed[2] that henceforth the coinage throughout Britain shall be of the same fineness of pure unalloyed gold and silver; that twelve shillings Scots shall be equivalent to one English silver coin of that denomination; that the currency of both countries shall have the same form and type; that the English one pound piece shall be equivalent to twelve pounds Scots; and that two Units (as the new coin is called) shall equal one English pound, the single Unit being current for six pounds Scots.[3] With the example of the Achæan league described by Poly-

[1] Of Halhill. See *Dict. Nat. Biog.*, vol. iii. p. 91.

[2] By an Order of Council, November 15, 1604, it was ordered that the Scottish coinage should be brought into conformity with that of England in type, quality, weight, and denomination. The thistle mint-mark before the inscription on all coins except the sixpence was to distinguish it from the English currency (Grueber, p. 196).

[3] Craig has made a slight error here. After his assumption of the title King of Great Britain, James issued in England (1604) and Scotland (1605) a gold piece which bore the legend on the reverse from Ezekiel xxxvii. 22, 'I will make them one nation,' etc. The English piece was known as the Unite, and was current at 20s. English. The Scottish piece was called the Unit or Sceptre, and was current at £12 Scots. The proportional value of the two currencies being at 12 to 1, the Unite or 20s. English was equivalent to the Unit or £12 Scots. See Grueber, pp. 101, 196.

bius before us, it should be easy to harmonise the currency of the two countries, and to adopt the English nomenclature. Our silver coin formerly worth twelve shillings will henceforth have the value of as many pence, and creditors and debtors will settle their accounts on the calculation that twelve pounds or shillings Scots are equivalent to one pound or shilling English.

But on our side two objections are raised against this plan. The first is, that the necessaries of life are so cheap in Scot-
fol. 81. land that one English coin will purchase six, ten, or more things of which perhaps only one is needed by the buyer. The poor also may suffer, since many people will grudge giving them an English penny. But such difficulties could easily be got over by minting an issue of small copper coins containing no admixture of silver (which would be wasted in such a coin), of a size and type suitable to the value of the metal. Coins of that kind would be available for small transactions, it being understood that each coin was worth no more than the intrinsic value of the metal, and that in business transactions it should be legal tender on both sides, neither being required to pay or accept more than two shillings' worth of it.[1] In that way cheaply priced articles could easily be purchased, and the poor would continue to obtain their dole.

The second objection is, that if the standard of exchange is raised, the necessaries of life will rise also, and food and dress (which are alone indispensable) will become dearer. Hence it is assumed that the poor among us, and they are the greater number, will suffer in that they no longer will be able to live with their accustomed economy. But no new and salutary measure can be devised which does not carry with it other consequences of a serious character. We can but console ourselves with the reflection, that for the future we shall use pure gold and silver instead of base metal, and that if they continue

[1] Craig's recommendation on this point was carried into practice. In 1614 the Scottish Mint issued a copper issue of Turners and Half-Turners, a name said to be derived from *Tournois*, a small French copper coin. The coins were respectively of the value of twopence and one penny Scots. The issue was ordered out of pity for the poor, but the metal value of the issue was £17, 1s. 4d. against a current value of £26, 13s. 4d. per stone (Grueber, p. 199).

at their present value there is little fear of a rise in the price of commodities. It is a true reflection, that when the price of money rises, the cost of food and of other things on which man subsists rises proportionally. But if money maintains its value, the price of commodities will not rise, and the other difficulties that have been anticipated will not occur.

I crave pardon if in my enthusiasm for the proposed union and love for our Fatherland, Britain, I have allowed myself some licence. I would not have any one suppose that I am unable to consider any other proposals than my own. If *fol. 82.* some one can suggest better, by all means let us adopt them, provided that their author agrees with Polybius and myself, that a common currency identical in quality and value is necessary for the perfecting of this union.

Weights and measures: their harmonisation.

It remains to discuss the question of weights, though they are of less importance than the currency in relation to the proposed union. In that part of Lower Germany which we call Belgium the weights and measures vary according to the nature of the thing measured. The Romans employed one system and the Greeks another, and each differed from our own. The Roman *libra*, pound, or *as*, was the largest in the lesser and the smallest in the greater scale. The Romans expressed the weight of goods as bilibral, trilibral, quadrilibral, or alternatively in terms of the pound, two pounds, three pounds, one hundred pounds. The small *as* or *libra* was subdivided into twelfths for the reckoning of smaller weights, namely the *ounce*, *sextans*, *trians*, *dodrans*. The Greeks also had a large variety of weights, the heavy and light talent, and below it, the *mina*, also in two forms, the old and new, and again the *drachma*, *obol*, *half-obol*, and *chalcus*, equivalent to seven small copper coins called *lepta*. I mention this copper coin and its division into *lepta*, whereby small articles could be readily purchased, in order to show that such a coin was in ancient use. If it were reintroduced, with a strict limitation upon the number to pass as legal tender, the difficulties already noticed regarding weights, measures, and their divisions would be easily met. As among the Romans so among the Greeks measures differed in liquid and dry materials. In liquids, such as oil, wine, honey,

the ounce was the unit of measurement, and quantity was reckoned in ounces of water, that being the simplest and purest *fol. 83.* liquid substance. Wine came next to water in weight, and was heavier than oil by one-ninth. Honey was nearly one-third heavier than wine. Dry goods also were measured by the ounce and pound, but different terms were employed. In liquids there were the *metretes* or *cadoi*, *choos* or *choinix* (the Roman *congius*), and below them, the *sextarius*, the *cotyle* or *hemina*, *quartarius*, *cyathus*, *cochliarium*, and *cocha*. In dry measures the Greeks employed the *medimnus*, the half, third, sixth, twelfth parts of it, and so on. The Romans used in liquid measurement the *culleus*, *amphora*, *congius* of wine, *sextarius*, *hemina*, *quartarius*, and *cyathus*. In dry measures they used the *modius*, *semi-modius*, *sextarius*, *hemina*, etc. Thus among the Greeks and Romans there was great diversity in their weights and measures. Learned men have devoted themselves with some success, and in a praiseworthy manner, to the standardisation of the Greek weights and measures, and to reconciling them with each other and with the Roman system. That effort is as old as the days of Livy, who uses Greek measures in reference to Roman matters. We find the term sextans and quadrans both in Livy and Pliny. Livy mentions the Attic talent and tetradrachm, and Pliny speaks of the quadrant, and gives it the alternative name, the terunce, because it contained three ounces.[1]

I have indulged in the foregoing disquisition lest any should suppose that it will be a matter of any great difficulty to arrange a uniform currency and standard of weights and measures for the two countries in the future, seeing that in circumstances more difficult, by reason of their antiquity, learned men have attempted the task with success. And if the task is recognised to be an easy one, as indeed it is, is there any one who does not agree with me in holding that nothing would more usefully contribute to the convenience of the two peoples than that, following the example of the Achæans and Peloponnesians of old, the whole of Britain to-day should adopt the same coins, weights and measures, and

[1] Pliny, 33, 3. 13. par. 45.

should obliterate every suggestion of difference at present existing? At the same time the matter is not of that consequence that it can be a serious impediment to the forming of the union, or weaken it when formed. *fol. 84.*

CHAPTER VI

Whether for the perfecting of the proposed union the laws of the two countries should be identical. With some remarks on the existing English and Scottish systems.[1]

The third essential: common laws and rights.

The third point for our consideration, held over from the last chapter, is the sharing of common laws and rights. Speaking generally, it is inevitable that if two peoples live under different institutions and customs they should conceive and pursue different aims. For all men stand by the institutions of their own country, insist on their fairness, and are prejudiced against those of other people; whence we often observe serious differences to arise. At the same time, I do not for a moment attach such importance to laws and institutions as to suppose that differences in regard to them can avail to prevent nations from forming alliances and mutual friendships of a lasting character. In that respect community of laws cannot be compared in its effects to a common faith and worship. The latter is implanted in man by God, and is as superior in force to the former as are the laws of God above those of man. There are people, however, who are not completely satisfied with the institutions of their native country, but in some respects prefer those of other nations, and desire to adopt them. The difficulty in such a case was removed by the letter of King Edward VI. and the English Estates to the Scots inviting their friendship,[2] whereas the

[1] For this chapter Craig has drawn largely upon, and quotes *verbatim*, his *Jus Feudale*, Lib. i. Dieg. 7.

[2] Craig has already referred to this letter. See above, p. 256.

fol. 85. clergy gave out, that under the guise of the projected royal marriage the English really designed the subjection of Scotland, and the destruction of her ancient laws and institutions, as the preliminary to the imposition of their own. The king and his nobles asserted that they had no intention to abolish the ancient laws of Scotland; that they wished them to flourish as of old; that a diversity of laws between the two countries was no bar to the proposed union; and that even in England different parts of the country were under different laws and institutions. Such also was the case in France, where Normandy, Aquitaine, and Brittany had their own customs and laws. Belgium and other kingdoms and provinces of the Empire also retained their own codes and legal processes. These points were briefly touched on in the English letter, and haply require some explanation.

Gervase on the laws of England.

And first with regard to England. She has oftentimes been attacked by enemies, and sometimes has succumbed to them. After the Britons had been driven into Wales, she became subject to the Saxons, who introduced their own laws into the island. Such, at least, is the statement of Gervase[1] over four centuries ago, who gives as his authority Henry, Bishop of Winchester, grandson of the Conqueror through his daughter Adela.[2] The Saxon book of laws, compiled by Edward the last Saxon king, and commonly known as *Domus Dei*,[3] is in the English archives. Of its origin I give the following account on the authority of Henry, Bishop of Winchester. After King William, the illustrious conqueror of England and kinsman of the prelate, had subdued the furthest confines of the country, and had cowed the rebels by terrible examples, he determined, in order to make their position plain for the future,

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[1] Gervase of Canterbury (fl. *circa* 1189), *Chronicle*, ed Stubbs, Rolls Series. I cannot trace the passage to which Craig refers.

[2] Henry of Blois, son of King Stephen and Adela. See *Dict. Nat. Biog.*, vol. xxvi. p. 112.

[3] Craig shares a common error in the ascription of a legal code to the Confessor. His identification of it with Domesday Book is curious. It is clear from what he writes here and in his treatise on the Succession, p. 271, that he supposed that survey to have been an inquiry into the laws in existence among the English, and therefore that Domesday Book embodied the supposititious code of the Confessor.

that the people whom he had conquered should obey a written code. He therefore put together the English laws, and preserved their tripartite origin, namely the codes of Mercia, the Danelagh, and Wessex. Certain laws he rejected, others he confirmed, and added to them such Norman laws as seemed most conducive to the peace of the kingdom. English law is therefore of threefold origin, though I am not aware to which the so-called law of Gavelkind [1] must be attributed, or whether it is merely a custom peculiar to Kent. It is clear, however, that to this day England is subject to laws which are not of uniform origin. Again, Wales and Ireland also possess customs and institutions different from those of England, and yet the three countries hold together as a single state. *fol. 86.* Threefold origin of English law.

In France undoubtedly there exist differing constitutions among the Normans, Burgundians, in Champagne, Lyonnais, and Brittany. Treatises dealing with these constitutions not infrequently reveal differences of custom and even of judicial forms. Humbert, Prince of Dauphiné, sold his principality to Charles of France [2] on condition that the heir to the French throne should always be called the Dauphin, and that Dauphiné should retain its own laws. In Belgium, Naples, Sicily, Aragon, Castile, and Portugal different laws and customs prevail in the different provinces. Especially is this the case in Belgium, where each of the seventeen provinces that entered the Union [3] expressly reserved its local customs and laws, which not infrequently differed from those of the others. In Germany again, Saxony, Bavaria, Austria, the Mark, and other provinces of the Empire undoubtedly retain their own laws and customs. Even in our own country it is a curious fact that Norwegian law was current in the Orkneys until Parliament ordered [4] all subjects of the realm to observe the same laws. The statute failed, however, to force the Orcadians to abandon their ancient laws and customs; which is the more surprising because *fol. 87.*

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[1] A peculiar form of tenure prevailing chiefly in Kent.

[2] The transaction took place in 1349 between Humbert and Philip VI.

[3] Craig refers here to the separate unions of the Spanish and Dutch provinces.

[4] Craig alludes to the Act of 1587 appointing Justices of the Peace throughout Scotland, fourteen of whom were assigned to Orkney. See *Acts Parl. Scot.*, vol. iii. p. 458.

(according to Norwegian law) the least offence is punishable by total loss of property, than which nothing could be more unjust. Still, so great is the force of habit, that even now the Norwegian law has scarcely lost its force.

The union of the three northern kingdoms of Norway, Sweden, and Denmark.

In case the illustrations I have given do not convince the reader, I will cite three or four examples in which it was expressly stipulated that each party to the union, though not on terms of equality in other respects, should retain their own laws and customs. In the union, described by Krantz,[1] of the three Scandinavian kingdoms, Denmark, Sweden, and Norway, in the reign of John I.,[2] it was expressly agreed that each of the three kingdoms should retain its own laws, customs, institutions, and public offices; that no statutes should be binding until they had received the sanction of the Parliament of the country in which they were to take effect; and that no taxes or fresh imposts should be levied, nor peace or war proclaimed, without similar sanction. No one could be condemned or imprisoned save on the judgment of his compatriots, or on the verdict of citizens of the country in which the offence was committed. These conditions continued so long as the kingdoms remained united, and they are still in force between the Danes and Norwegians, though the Swedes have withdrawn from the treaty and stand again as a separate kingdom.[3] Another example is found in the union of Sarmatia, or Poland, with the Grand Duchy of Lithuania in the time of Jagello two centuries ago. On the occasion of the marriage of Jagello, Grand-Duke of Lithuania, and Hedwig, heiress of the kingdom of Poland, it was specifically laid down in the marriage contract that Poland and Lithuania should thenceforth be irrevocably united under the same ruler, but with the proviso, *fol. 88.* that Lithuania should continue to enjoy her ancient laws and customs; that there should be no right of appeal from the courts of the duchy to those of the kingdom; that Vilna should continue to be the capital of Lithuania, and Cracow of Poland; and that each country should maintain its own final

[1] See note above, p. 267.

[2] The Union of Kalmar, in 1397.

[3] Sweden broke from the union upon the accession of the House of Oldenburg to the throne of Denmark in 1448.

court of appeal from the decisions of lower tribunals.[1] But the best example of the point before us is found in the terms propounded to Portugal by Philip II. of Spain when he was seeking to make good his asserted claim to the throne of that kingdom.[2] Rejected at the outset by Portugal, these conditions are in force at the present time,[3] and are as follows: That the king should take a binding oath to maintain the customs, privileges, and liberties confirmed by the laws of Portugal; that a Council for Portuguese affairs should be resident in Portugal, and that matters touching the estate of Portugal should be debated in no other body; that all suits and matters for judicial decision, of whatever character and weight, should be determined and enforced in accordance with Portuguese law; that the king should admit Portuguese to posts at Court and to administrative offices, as was the custom in the Netherlands, making no distinction between Portuguese, Spaniards, and his other subjects; that for the profit of his subjects and the whole realm, and to promote the friendly relations of Portugal and Spain, the king should rescind the fiscal regulations of each country, so that merchandise might pass freely between them, as it was wont to do before duties of that kind were imposed. To all these conditions the king agreed, and acknowledging the affection which the Portuguese had always shown their sovereign, declared that nothing would have gratified him so much as to establish his court permanently in Portugal, had the care of the other kingdoms committed to him by God allowed him to do so. He promised, however, that he would visit Portugal as often and for as long periods as might be possible, and that in default of closer personal relations he would leave one of his children in his place, to be brought up among them, and to be taught to

Philip II.'s concessions to the Portuguese.

fol. 82.

[1] The marriage of Hedwig, younger daughter of Lewis the Great of Hungary and Poland, and Jagello, who took the title Ladislas V. of Poland, took place in 1386.

[2] On the death of King Henry of Portugal in 1580, Philip seized the throne. His mother was the sister, and his wife the eldest daughter, of John III. of Portugal, who died in 1557, and whose successors on the throne had died without issue.

[3] Portugal did not recover her independence until the accession of the House of Braganza in 1640.

know, esteem, and love them as well as he did. Proclamation of these conditions was made in all the chief cities of Portugal by Spanish officials. It was also understood, that if the Portuguese desired further assurances, the king would grant them fully, seeing that the Portuguese as Christians would hardly ask for anything inconsistent with religion or reason—a hint, perhaps, that they might bring themselves to accept the Inquisition.[1]

When Henry v. of England advanced his claim as rightful heir to the throne of France after his great victory at Agincourt, and with the help of the Duke of Burgundy had got into his power Charles vi. of France, his wife and daughter, a treaty was agreed to, at Troyes in Champagne,[2] for such a union of the kingdoms of France and England as the two peoples were at that time inclined to endorse. Among other conditions, when he received the homage of Burgundy and other peers, Henry took an oath that he would govern France in accordance with her native laws and institutions; that he would leave to her nobility their honours, rights, and privileges whole and intact, and would maintain the Paris and other Parliaments in their traditional powers. These and other conditions are clearly set forth by Holinshed in his history. 'Henry v.' Francis i. acted in a similar manner on the union, or, as some would call it, incorporation of Brittany with France.[3] Here again it was expressly provided that Brittany should enjoy her own laws and institutions without modification; that from the Parliament of Rennes, the chief town of Brittany, no appeal should lie *fol. 90.* to any court of jurisdiction in France, and that no man should be obliged to answer an appeal before the Paris or any other

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[1] The inauguration of the Inquisition in Lisbon had been sanctioned by the Bull *Cum ad nihil* in December 1531, but it was not until 1547 that the institution was established. The reasons which called for it, however, were fiscal rather than religious. See *Camb. Mod. History*, vol. ii. p. 412.

[2] In 1420.

[3] Brittany, the last of the independent fiefs in France, was attached to the French crown by the marriage of the Duchess Anne to Charles viii. in 1491, and subsequently to Louis xii. Her elder daughter and heiress married Francis i. The Estates of Brittany were induced in 1532 to sanction the union of the Duchy with the French Crown, but the independence of the province did not end formally until the accession of Henry ii., the son of Francis, in 1547.

Parliament. Honours and public appointments were thrown open to the nobles and other natives of Brittany as freely and without reservation as to Frenchmen. If their commerce was burdened with duties heavier than those in use elsewhere in France, they were to be lessened; and Brittany was permitted to retain any peculiar immunity from fiscal burdens which she already possessed.

I might also dwell on the union of the Poles and Massagetae, and others, in all of which a state united to another even larger than itself was not deprived of its own laws, customs, and institutions. But the single example of Spain will suffice. The Spanish empire at the present time is the aggregate of twelve or more kingdoms, which by royal marriages and dynastic successions have been brought together into a single and very powerful state. It extends over Spain, the Balearic Islands, Sicily, Sardinia, Naples, Corsica, Milan, and the Belgian provinces, a single mighty empire united and incorporated under one sovereign. And yet every part of it has so far been left in enjoyment of its own laws and liberty, the Spanish king being well aware that by no other method can he hold his dominions in peace. What, for example, is the cause of the calamities and upheaval in Belgium these thirty or forty years past, but the attempt to restrict the laws and liberties of the country?[1]

The foregoing facts prove conclusively, that to promote the union which we have in view, it is by no means imperative that the two kingdoms should submit to identical laws and systems. The revision of existing laws which have taken root in national sentiment is, indeed, a fruitful source of trouble; for a change in the laws governing a state often changes the character of the state itself. As the proverb has it, the laws guide the steps of kings. Indeed if there *fol. 91.*
is a vicious element in them, it is difficult to modify or remove it. So is it in our bodies: if disease is long established and deep-seated, doctors prefer to allow it to continue rather than to attempt to extirpate it, and thereby haply doom the whole body to destruction.

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[1] Craig refers to Philip II.'s policy in the Netherlands.

In ancient times when a peace or treaty was made it was the custom of the Romans, provided their enemy acknowledged the sovereignty of the Roman people, to allow them to retain their own laws, customs, councils, and public assemblies. Flaminius did so when he gave liberty to Greece; Paullus Æmilius also after the conquest of Macedonia. Carthage enjoyed the same treatment after her conquest. As Thucydides[1] comments wisely: 'An evil deep seated should not be disturbed. Changes in the constitution and laws are fatal,' since on the latter the cohesion of the commonwealth depends. But far different are the circumstances of our own union. I have remarked already, that in regard to religion there is no difference between us on the cardinal points of doctrine. Neither nation pins itself to opinions rejected by the other. Though in forms and ceremonies certain differences undoubtedly exist, they are not of a character which need disturb the harmony and union of the churches. I now affirm a similar harmony in the public laws of the two countries. Indeed I assert that at the present day there are no nations whose laws and institutions more closely correspond than England and Scotland. On fundamental principles of jurisprudence they agree perfectly, though in procedure they differ, a fact which by no means obscures the general resemblance between their systems of law. Though I am not deeply versed in English law, and much of it is beyond my knowledge, I should say, from such study as I have given to the subject, that there is not that diversity between the two systems of law as is popularly supposed to exist. Almighty God has implanted in man a natural instinct which guides him to deal justly, or, in other words, to ascertain the right in issues that come before him, and to keep it before him as it were as the goal of inquiry. As Plato remarks in his *Protagoras*,[2] Zeus, fearing lest the whole human race should perish, endowed it with a sense of reverence and justice, the ordering principles of states, and the bonds of society. Since those qualities are the gift of God, and are inherent in

The close harmony between English and Scottish law.

[illegible] A sense of justice implanted in men by God.

[1] The quotation is not from Thucydides, and is seemingly post-classical.

[2] *Dialogues*, ed. Jowett, vol. i. p. 130.

man, man cannot do otherwise than distinguish between right and wrong, justice and injustice. For qualities conferred by God and natural to man cannot be divorced from the nature of man, though they may present themselves differently according to variations of locality, persons, and time. Since then, the end of all law is justice, or, in other words, that every one may be awarded what is rightfully due to him, and seeing that that cannot be attained except under properly regulated tribunals, let us now inquire whether the nature and principles of judicial processes in England and Scotland are similar, or whether, as is commonly supposed, they differ.

In criminal actions the same laws and procedure are used in both countries.

To begin with, judicial processes are either private or public. Those processes are called public which have to do with the orderly administration of the commonwealth. Some public processes are the subject of special legal sanction determining the penalty for contravention of the law. Particularly is this the case in the matter of crimes, the restraint of which the state specially takes upon itself. In their criminal law I cannot find that the English differ from us even in the form of it. What their law regards as crime ours does also. Treason, homicide, theft, felony, and other lesser offences—being capital offences—are punished with equal severity by us as in England, and there is hardly an offence regarded there as criminal which is not held criminal by us. In regard to offences which are not capital, the penalties truly are not uniform in the two systems. Such offences are more severely punished by our neighbours than is our practice. For some reason or other, it is our custom in Scotland to inflict milder punishments, nor are *fol. 93.* offenders and criminals treated with such severity as in England.

Thus, in the principles of public law there is no difference between the two countries. I might even add that the essentials of procedure in this branch of law are identical; seeing that in both of them a criminal charge is investigated by a jury, an old institution copied from the practice of Roman law,[1] in accordance with which its duty is to

[1] Cf. Cosmo Innes, *Scotch Legal Antiquities*, p. 212.

determine whether the accused is guilty or innocent. The accused has the power to challenge any of the jurors whom he has reason to regard as prejudiced against him, or for any other lawful reason unsuitable, and in the place of the jurors thus challenged others are substituted by the presiding judge. The jury give their verdict on oath. This form of criminal trial had its origin in the procedure of Roman Civil law; though our neighbours erroneously imagine that their system is purely of native origin.[1] In trial by jury, or inquest, as we term it, the two nations employ the same procedure, but with points of difference. We form a panel of fifteen, our neighbours a jury of twelve, to sift the evidence against the accused; we appoint an odd and our neighbours an even number of jurymen; we accept the verdict of a majority of the jury, regarding it as the finding of the whole; our neighbours demand that the jury be unanimous in their verdict; English juries are, therefore, frequently locked up until they arrive at a unanimous verdict, and are not released until they do so. In Scotland we accept the verdict of the majority, following the principles of Civil law, in which the finding of the majority is both final and deemed unanimous. The practice is also consonant with the principles of Canon law. The English, however, have their own arguments to support their practice, and they will be found in Fortescue's[2] treatise in praise of the laws of England.

The jury differs in number.

Lex majoris partis.

Tit. 'De his quæ fiunt a majore parte.'

Private suits.

Next consider private suits. They may either relate to persons or property. As to persons, slavery, and even the name of it, has ceased throughout all Christian states, and at the present day no master has power of life and death over his servant, the king being the sole disposer of the life and limb of his subjects. A master cannot appropriate the *peculium* of his servant, nor does the practice of manumission

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[1] Bishop Stubbs concluded that the English jury was derived from the French Capitularies, into which it may have been adopted from the fiscal regulations of the Theodosian Code, and thus 'own some distant relationship with the Roman jurisprudence' (*Constit. Hist.*, vol. i. p. 612).

[2] Sir John Fortescue's *De Laudibus Legum Angliæ* was published first in 1537.

any longer hold. Our servants work for a wage, and contract freely to serve for a year or six months. Of slavery there is no trace among us therefore. Our neighbours, however, still retain certain survivals of slavery in the plantations, in those whom they call natives, the *adscriptitii coloni* of Justinian.[1] With that exception there are no slaves in any nation. True, there are those who are bound to masters as apprentices for a fixed period to learn a trade, but they are rather in the position of pupils under a teacher than slaves tied to a master. As for all other classes of individuals, the conditions in both countries are wonderfully similar. Paternal authority is weaker than, and is not enforced by the restraints that were recognised, in the civil code of Rome. Under the Roman law no one might withdraw himself from his father's *potestas* without the father's consent. But under British law, if a son of full age withdraws from paternal control, his father may disinherit him by disponing his heritable property to some one else (the single method of disinheriting used in both countries), or he may leave his son's name out of his will altogether. More than that the father cannot do in either country. In both also minors have the power to break and revoke any act or agreement to their hurt and damage made during their minority, and to be restored to their former position. Again in the appointing and removing of their tutors and curators (it may be pointed out that the English do not use the term 'tutor' or 'curator'),[2] and in the presentation of accounts by tutors and curators, the same suits and procedure lie in both countries, exactly modelled on the practice of Roman or Civil law. The same principles of affinity and consanguinity apply in both countries in the contracting of legal marriages. In both there is the same method of reckoning degrees of relationship. The children have the same consideration and

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[1] See *Institutes*, ed. Sandars (eighth edition), p. 16.

[2] The tutor is the legal representative and guardian of the person, and the administrator of the estate, of a pupil, failing the father, and (after his death), the mother. Scottish law closely follows the Roman in the doctrine of tutors. A curator is a person employed to assist in the management of the affairs either of persons past pupillarity and under majority, or of those, of whatever age, who from infirmity of understanding are incapable of acting like persons of entire capacity.

the husband the same rights as regards the wife's dowry. Wills and testaments, which to a very great extent determine the disposition of movable property, are equally binding in both countries; the same forms are necessary in making and executing them. The same actions are available for and against executors in both countries; and the process of confirmation of executors (probate) and registration of wills is similar, and follows the practice of Canon law. Thus, so far as the law of persons is concerned, there is hardly any difference between the practice of our neighbours and our own. What one allows or forbids is allowed or forbidden by the other.

The law of contract and dissolution of contract in regard to movables identical in the two countries.

All property that is brought into dispute is either movable or immovable. Unless I am greatly mistaken, the legal principles governing movables are the same in both countries. For rights in movable things arise either by contract or by bond or unilateral obligation.[1] Illustrations of both kinds will be found in Justinian's *Institutes*, and I need do no more than run through them. Whenever movable property is the subject of a contract or unilateral obligation, either the terms are recorded in a written deed, or the bargain is made without the intervention of such a document. If the contract is set forth in writing, the rule of both countries is that the document defines the terms of the contract, so that neither party can sue for more than was actually agreed upon. The same rule holds good in the case of a bond. But if there be no written contract, then the character of the agreement regulates its interpretation in both countries. For instance, a sale postulates a price; an agreement to let, an undertaking to pay rent; an exchange, a reciprocal agreement to deliver one thing for another; ownership in the thing is held to pass with the delivery, and the risk of the destruction of the thing remains with the owner until delivery, he being liable in *culpa lata*, *culpa levis*, or *culpa levissima*, according to the nature of the contract, at least in cases of contracts *bonæ*

[1] See *Institutes*, ed. Sandars, p. 320. The *obligatio* was properly the tie between creditor and debtor; but the term also expressed the right thus gained, the duty thus owed, and one mode by which such a tie was created, being used as equivalent to *contractus*.

fidei.[1] There is uniformity also between the two countries in the case of sale and purchase, letting and hiring, verbal contracts and cautionary obligations. In both also, unless I am deceived, the same principle governs a contract—the individual is held as bound to his promise and to the person to whom it was made; if any doubt arises in regard to it, the nature of the contract must be looked into, to find out what it requires of the parties to it. Particularly is this so in the case of *bonæ fidei* contracts;[2] no party is held as bound by conditions of which he was ignorant when he assented to the contract. I need say no more regarding movables.

In regard to landed property more minute inquiry is necessary, and haply it will reveal an even greater degree of consonance in the practice of the two nations. The transference of movables from one owner to another by commercial agreements and other kinds of contract is an everyday matter. But landed property is vested in families, and not only forms the bulwark of the state, but by its accretion the status of families of noble rank is enhanced. For that reason particular care is necessary to preserve such property intact, and the greatest caution must be observed in allowing it to pass from its owners. Otherwise the estate of the nobility, on whose continuance or decay the state stands or falls, must come to an end; seeing that it cannot be maintained apart from the possession of considerable landed property. Let us, therefore, inquire whether realty or landed property is governed by the same laws in the two countries.

There is no manner of doubt that the law of real property which to-day obtains in England is not that which held in the days preceding the Norman Conquest. Of the British laws, the extent of whose authority conditioned the ability of the kingdom to exist, we have no positive information. But

Of real property

[1] See *Justinian*, ed. Sandars, p. 323. Every contract bound the parties in responsibility for malicious injury (*dolus*). *Culpa lata* approximated to *dolus*, since extreme negligence was open to the suspicion of express design. *Culpa levis* and *culpa levissima* postulated carelessness in varying degree.

[2] A *bonâ fide* possessor is one who, though not really proprietor of the subject, believes himself to be so on reasonable grounds, *i.e.* with a good conscience and a colourable title. See Erskine's *Principles*, ed. Rankine (20th ed.), p. 115.

it is very improbable that they possessed legal systems of their own; seeing that for nearly five hundred years they were subject to Rome, and that it is the province of the suzerain to dictate laws to his dependant, and of the dependant to obey the laws prescribed for him by his conqueror. But eventually the Roman Empire dissolved into many fragments, and the Britons, contrary to their wishes, finding themselves deserted by their masters, and being also harassed by foreign foes, called in the Saxons to their aid. By these mercenaries the Britons were stripped of their goods and property and were driven into Wales. Not only were their laws obliterated, but even their career as a nation, as appears from their letter recorded by Gildas.[1] It must be admitted, therefore, that British history before the withdrawal of the Romans is mythical and obscure. Having conquered them, the Saxons possessed themselves of the property of the Britons, and swept away their public laws. And it is most improbable that the system of law governing the several kingdoms of the Heptarchy was uniform; for they were not under a single king, nor did they pursue a uniform policy, and were much more intent on destroying each other than on laying down principles of law. But when they did begin to make laws for their goverance, it was to landed property they gave their first attention. Ine's laws are extant; but he was king of Wessex before the end of the Heptarchy. Extant also are the laws of Edmund, Athelstane [*lacuna*], and Edward,[2] among which some relating to religion and others relating to the repression of crime will be readily found; but there are very few which bear on public administration or the preservation of private rights. Few, if any, there were, in fact, governing the administration of the state, or at any rate the interests of private individuals. However, after the Saxon kingdom had endured for six centuries and more, it was taken possession of by the Conqueror. He inflicted every manner of indignity

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[1] Craig refers to the letter of the Britons to the Consul Aetius. See Gildas, *History*, sec. 20.

[2] See *Ancient Laws and Institutes of England*, edited by Benjamin Thorpe for the Record Commission.

upon the English: disarmed them all: even contemplated changing the name of England, according to Caradog:[1] stripped the nobles and the Church of their possessions because he doubted their lealty to him: and when he found that the English were being kindly treated by the Scots, turned his arms, unsuccessfully, against the Scots also. Finally, as the last indignity, he introduced his own laws into the ancient English system.[2] At that time the Normans used French law, of which country their Duchy was a part. Now, when Charlemagne overthrew the Lombard kingdom he did not abolish its laws, but being impressed by their excellence, introduced them into his Frankish realm, where they remained in force for almost two hundred years before the Conqueror's time. It was therefore Lombard or feudal law which the Conqueror imposed on England; and not only do the English use it and are ruled by it to this day, but the Scots also. Nay, it has been adopted by all the sovereign states of Europe at the present time, by reason of its equity, and it holds the first place in every court of law, whether in Britain, France, Italy, Spain, Germany, and even in Turkey, where, however, fiefs are helds for life only. Our English neighbours are therefore far out in their reckoning in their belief that their legal system is indigenous and unlike those of other countries. *fol. 83.*

Whether our feudal system came to us from England, as on many grounds is probable, or whether we adopted it from the French Consuetudinary law, or from some other source, I cannot positively state.[3] But it is incontrovertible that

Britain at the present time universally recognises the jus feudale.

[1] On p. 88 of his treatise on the Succession Craig quotes Caradog to the same effect, and refers to the latter's MS. 'Successores Britonum in Willielmo Conquestore.'

[2] The Conquest, as Freeman remarks, 'did not at once sweep away the old laws and liberties of the land: but it at once changed the manner and spirit of their administration, and it opened the way for endless later changes in the laws themselves' (*Norman Conquest*, vol. i. p. 4).

[3] The following passage from Erskine's *Principles* (20th edition, p. 131) may serve to annotate Craig's statement: 'Heritable rights are governed by the feudal law, which owed its origin partly to the Roman law and more largely to early German customs, and some at least of its first improvements, to the Longobards . . . The feudal constitutions and usages were first reduced into

throughout Britain at the present time the law of heritable property is identical with, and its principles are based on, the feudal code. If a doubtful point of law or one requiring elucidation arises in Scotland, appeal is made to either statute, Civil, or Canon law. In England, if a similar doubt, circumstance, or difference of opinion arises, their skilled lawyers lay down the law and determine the cause on arguments drawn from the *jus civile.* I have read several of the decisions of Dyer,[1] Plowden,[2] Bracton,[3] and of those other jurists whose works are familiar, their writings being nowadays well thumbed. Therein, with all respect to our English neighbours, I noticed a good many points determined by the Civil law and the commentators thereon; though they would attribute those decisions to themselves rather than to the Civil law whose authority is so great among all nations.

But to return to our consideration of immovable property. All such property is in land or what pertains to land. At the present time there is not a particle of land which is not held in fee of the Crown, or of some other superior. The term fief is applied to the subjects of such grants, whether they are rural or urban (burghal, as we say). The essence of a fief is identical in both countries, and implies the existence of a *dominium directum* and a *dominium utile.*[4] In Scotland we use the terms *superiorities* and *tenandries* to express these two interests in the subject; and there are many kinds of both of them. Subjects held by a nobleman are *feuda nobilia.*

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writing, about the year 1150, by two lawyers of Milan, under the title of *Consuetudines Feudorum*, and have been subjoined to Justinian's Novels in almost all the earlier editions of the body of the Roman law. None of the German Emperors appear to have expressly confirmed this collection by their authority; but it . . . was considered as the customary feudal law of all the countries subject to the empire. No other country has ever acknowledged these books for their law; but each state has formed to itself such a system of feudal rules as best agreed with the genius of its own constitution.'

[1] Sir James Dyer's *Novel Cases*; published in 1585.

[2] Edmund Plowden's *Commentaries*; published in 1571.

[3] Henry de Bracton's *De Legibus et Consuetudinibus Angliae*, written between 1235 and 1259, was published by Richard Tottel in the first complete edition in 1569.

[4] These two *dominia* respectively represent the interests of the superior and tenant in the subject or fief.

Others, held by men of lesser rank, are *feuda privata.* Both may be blench-holdings,[1] which, however, are of rarer occurrence among our neighbours.[2] They may also be ward-holdings,[3] or tenures in socage.[4] Under this head burgage tenure and *emphyteusis* (feu-holdings,[5] in our phraseology, are included, because the *coloni* (cultivators) pay annually a fixed and definite sum in respect of the lands held of the superior. There are also feudal subjects which have been mortified, that is, granted to the Church.[6] In regard to every one of these kinds of holding, and in the distinctions between them, there is entire agreement between the two countries. The laws governing them are also the same, and particularly, that in all actions over feudal rights the tenor of the charter must be taken into chief consideration and followed, and its actual wording be carefully weighed; since the whole force of the investiture[7] hangs upon them. The charter in fact contains certain essential and determining details without which the fief cannot be set up; for instance, the names of the superior and of the vassal to whom the fief is granted; the order of succession to the fief (if this is only expressed in general terms, *heirs whatsoever* is understood);[8] the tenure by which the lands

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The nature of the fief depends entirely on the wording of the investiture.

[1] Blench-holding has been compared to the Lombard *feudum francum*, and involved the payment by the vassal to the superior of an elusory yearly duty as a formal acknowledgment of the superiority.

[2] Blench-holding is similar to the English tenure in *petty serjeanty.*

[3] Ward-holding was abolished as from March 25, 1748, by 20 Geo. II. c. 50. The essence of it was the military service due from the vassal to the superior.

[4] Tenure in *free socage* denoted the rendering to the superior of some certain and determinate service, and is mentioned by Craig in contradistinction to the Scottish ward-holding and the English knight-service, which were essentially military tenures. The effect of the Statute 12 Charles II. c. 24 was to establish *free socage*, or *freehold*, as the normal holding in England.

[5] Burgage-holding was that by which the Royal Burghs held of the king the lands specified in their charters of erection. Feu-holding, to which the Roman *emphyteusis* bears a strong resemblance, involves the payment by the vassal to the superior of a yearly rent in money, kind, or agricultural service.

[6] The purposes of such grants being held superstitious, they were at the Reformation annexed to the Crown.

[7] Investiture technically is the feudal right in respect to the subject, and is constituted by charter and sasine.

[8] 'In the *dispositive* clause . . . is also expressed the order of succession and limitation of the fee, which were, by our more ancient style, inserted in the clause of *tenendas*' (Erskine, *Principles*, p. 134).

are to be holden:[1] and the duty to be performed by the vassal to his superior in respect of the fief.[2] Other clauses are of secondary importance to the interpretation of the charter, and may be added or not at the discretion of the superior. It is, however, precisely in the presence and wording of these secondary clauses, where the original intention of the superior is otherwise vague, that all the doubts and difficulties arise in English practice, and cause unending contention as to the real intention of the superior who made the grant. In our Scottish practice the tenor of the charter pure and simple determines the character of the investiture. However, on all these points the law of the two countries is little, if at all, divergent. We should bear in mind, indeed, that in all probability we took our forms and methods of investiture from the practice of our neighbours. There is extant a work[3] by James Wall, published in London in 1546, which gives the forms of feudal charters, or investitures, at present in common
fol. 100. use in both countries. They bear such a resemblance and correspondence that it is difficult to tell to which nation they belong. There are also other books, styled books of precedents, which testify to the harmony of the two countries in the matter of forms. We possessed formerly in Scotland, however, charter forms of our own; but they were short and, as their antiquity would lead us to expect, simpler than those at present in use, and resembled rather the ancient English forms, such as that of Athelstane in favour of one Paulinus.

Now if both nations use the same form of investing charter, it follows that the law governing all forms of investiture must be the same in both. Besides, many forms are found in that book published in London, and in others, which are identical with those in use among ourselves; while in the law itself there is no material difference, and the developments of time alone have drawn the two systems apart from a once prevalent harmony. For that reason I have no doubt that if any difficulty on this point should arise under the union, it will

[1] The clause *tenendas prædictas terras*.
[2] The clause *reddendo inde annuatim*.
[3] I have not discovered this work.

only be necessary to refer the point back to first principles, just as we examine the source if the stream is not clear. If the nature, conditions, and tenor of a holding be thus examined *ab initio*, I have no doubt that in most of the difficulties which are likely to puzzle the judges, arising from that close attention to legal niceties prevailing nowadays on both sides of the border, the truth will easily emerge and be applied. Again, in both countries the *dominium* of a fief cannot pass without a formal act of delivery, known as a *sasine* (from a French word signifying investiture),[1] which is equally necessary in both countries in all kinds of holding. As therefore feued, that is landed, property constitutes by far the greatest part of the state, and carries with it the prosperity of the whole, and as the theory and classification of fiefs and the process of their acquisition are identical in both countries, it is obvious that the law in both is similar in its origin and development. Holdings are set up and acquired in both on similar terms and conditions; and therefore any distinctions that may exist between the law of the two countries can easily be harmonised.

Formal delivery equally necessary in both countries.

fol. 101.

In regard to the progress of titles to fiefs we shall come to the same conclusion; for once set up and acquired they are continued in both countries in the same way. They may either be renounced, technically called *refutatio*, or they may be renewed, or again they may be acquired by inheritance. The three processes are the same in the two countries. The vassal may renounce his holding *simpliciter* to the superior; or he may renounce it in favour of his heir and heirs, or of his wife, for new infeftment (or investiture) in conjunct fee;[2] or

On the continuation of fiefs.

[1] The feu charter concluded before 1858 with a precept of sasine, or seisin, which was the command of the superior to his bailie to give possession to the vassal by the proper symbols. Since 1858 these precepts are unnecessary and are now never used. Sasine had to be taken on the ground of the lands, except where there was a special dispensation. This was made unnecessary in 1845, and a short writ or instrument of sasine was substituted. By later Acts of 1858, 1860, and 1868, the registration of the charter or conveyance itself in the Register of Sasines was substituted for the earlier practice.

[2] The renewal of the disposition of a fief was by means of a charter of progress, which might contain a clause of *novodamus*, whereby the superior granted *de novo* certain subjects specifically mentioned. As to these subjects such charters

he may renounce it in favour of any person to whom he has alienated or disponed his holding. In these processes there is no difference in the practice of England and Scotland. In regard to the renewal of a fief, that course becomes necessary when the character or conditions of the original charter undergo modification, or when some new condition is agreed on. In the case of succession, when a son takes the place of his father, or of some one else to whom he is the nearest heir as inheritor under the original charter, the process is the same in England as in Scotland. In both countries brieves of mortancestry [1] can be issued, and these brieves both proceed upon inquest and also follow the same rules of succession in the two countries. In both countries, again, the law of female succession is the same: the property is divided equally [2] between the daughters, sisters, or other female heirs of similar affinity in default of males, reserving to the eldest daughter her preferable right to the chief mansion of the deceased. The latter is not subject to division, nor is the eldest daughter deprived of the sole superiority over the vassals, in order that the latter may be spared the trouble of renewing their investitures at the hands of more than one female superior.

The process of succession identical in both countries.

fol. 102.

In the continuation or renewal of fiefs, again, there is no difference in the practice of the two countries, except that the custom of Gavelkind obtains in Kent (under which all the children succeed equally to an inheritance), and that in England a man may even on his death-bed devise by will property acquired by himself, whereas in Scotland that course is not lawful; for a will executed at such a time is open to grave suspicion of influence, nor is it proper that the rights

have the force of an original charter. 'A vassal,' says Erskine, 'may transmit his feu either to universal successors, as heirs; or to singular successors, *i.e.* those who acquire by gift, purchase, or other singular title' (*Principles*, p. 187).

[1] Prior to October 1, 1874, to secure an active title to his rights an heir needed to be entered by service and retour. The service of heirs proceeded before 1847 on Brieves of Inquest issuable from the Chancery and retourable by the judge after the inquest of fifteen sworn men. The brieve of mortancestry (*de morte antecessoris*) related to the case of an heir excluded from possession of his lands by the superior in fact or in claim.

[2] Under succession *in capita*, division is made in as many equal parts as there are heirs-portioners, so-called.

of the heirs should be endangered by such a practice.[1] So also the causes which bar succession to real property in the two countries are practically identical. In regard to joint investiture of husband and wife (which we term conjunct fee), to the widow's claim to a third of her deceased husband's heritable property (which we term the *terce*), and to the *courtesy* (which the English imagine to be peculiar to themselves, though it is common to the Scottish and feudal legal systems), the practice of our two nations is identical, at least in its main principles.[2] The same harmony is also observable in the rights of the superior over his vassal; for instance, the wardship and marriage of minors in military tenures, both of which rights have their origin in the *jus feudale*. A vassal who has not reached puberty, or is a minor and not in a position to protect himself, is in the ward and custody of his superior. To whom, in fact, could the care of a vassal in pupillage be better entrusted than to his superior, from whom all he has is derived, from whom he holds his fief, and at whose hands he must look for the renewal of his investiture? So close is the bond of friendship and fidelity which feudal law assumes to exist between superior and vassal, that it entrusts as a matter of course the defence or ward of a vassal under age to the superior from whom, or his ancestors, all the rights of the vassal descend. So long as the vassal by reason of his tender years is unable to render suit and service[3] (both of

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[1] Down to 1871 (34-5 Vict. c. 81) deeds affecting heritage granted by a person on his deathbed (*i.e.* during a sickness which ended fatally within sixty days of the date of the deed) were ineffectual if they were to the damage of the heir, except when the granter was forced by his debts to alien his lands. See Erskine, p. 491.

[2] The *terce* is a liferent competent by law to widows (in default of special provisions) in the third of the heritable subjects in which their husbands died infeft, and prior to 1855 was competent only when the marriage had subsisted for a year and a day, or alternatively, when a child had been born alive of it. The *courtesy* is a liferent competent by law to the surviving husband of all his wife's heritage in which she died infeft, subject to there being a child of the marriage born alive, and to there being no surviving issue to the wife from a previous marriage. See Erskine, p. 215 *et seq.*

[3] Suit and service was the essence of the feudal relation between vassal and superior. It expressed the former's duty to follow his lord's banner in war and to attend his court in time of peace. In addition he was liable to obligations

fol. 108. which he is bound to do), the fief itself performs the service due to the superior, who takes its produce in lieu of the suit and service to which the vassal is liable, until the latter attains an age at which he is in a position to render both. Thereupon the produce of the fief is his and he enters upon the full enjoyment of it. Until then he is either under the personal charge of his superior, in whose keeping alone he can learn the suit and service incident to the tenure, who also has a lien on his service at home and in the field; or in the event of the minor being brought up among his own family, he receives from his superior so much as is requisite for his proper education, and with that he must rest content until he is of an age to fulfil the rules and conditions of his investiture.

Whence the right of disposal in marriage.

In both countries, again, the principle is the same which allows to the superior of a military fief the disposal of his ward in marriage. For it is most reasonable that the superior should have the power to give his vassal in marriage to whom he pleases, lest the vassal should ally himself with the enemies of his superior, and the resources of the fief should be diverted to the damage of the superior and the advantage of his enemies. As to the jurisdiction of the superior over his vassals and those who owe him suit there is, so far as I am aware, no difference in the practice of the two countries.

Whence the practice of non-entry.

The prerogatives of the Crown, the *regalia* as they are termed in law, or royal privileges, are similar in the two countries. For instance, there is no succession to illegitimate children and bastards in either: or if there is any succession it belongs to the king *jure coronæ*.[1] So also in the case of non-entry, a casualty which arises when the vassal neglects to renew the investiture and fails to acknowledge his lord's superiority over his holding. His contumacy, if it continue for a year from the death of his predecessor,

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known as aids and incidents, some of the latter of which Craig proceeds to discuss. In England feudal incidents were abolished by Charles II. in 1660. In Scotland the feudal system of land-tenure continues with some of its incidents, such as reliefs and fines for alienation.

[1] A bastard is excluded from his father's succession, since the law knows no father who is not marked out by marriage; he was also, before 1836, if domiciled in Scotland, disabled from bequeathing by testament, without letters of legitimation from the sovereign. See Erskine, p. 521.

is punishable by feudal law with the confiscation of his holding. In England, however, less severe punishments have always obtained. There the vassal is deprived of the fruits of his holding only for the period during which he fails to recognise the superiority and to renew the investiture.[1] *fol. 104.*

So far I have spoken of the acquisition and retention of fiefs. In their extinction there is no difference in the practice of the two countries. On the contrary, there is surprising harmony. A fief may be extinguished either by voluntary alienation by the vassal, or by his abandoning it (*renunciatio* is the Scots legal term) in favour of the superior or another; or by the vassal, ungrateful and wanting in his duty to his superior, alienating his fief, or the more valuable part of it, in order to escape the duty of suit and service to his superior and to impose that obligation on another vassal in place of himself. The same result follows if the vassal has injured his superior in any other way; for instance, if he has betrayed his counsel to the prejudice of his dignity, reputation, life, or property; if he deserts and abandons him in war; if he bears arms against him or injures him, his wife, or his daughters while they are unmarried; if he besieges the castle in which to his knowledge his lord is residing; if he refuses to produce the titles to his holding at his lord's demand, or to point out distinctly the boundaries of his holding; or if he shows otherwise a lack of duty to his superior in respect to the privileges derived from him. In both countries all such offences justify the forfeiture of the vassal's holding; but I admit that the cases are few (though they occur) in which the vassal has been deprived of his fief on the ground of ingratitude towards his superior.

No difference in the modes of extinction of fiefs.

Further, in all cases of succession or renewal the procedure is identical in both countries, namely by brieves.[2] In

Processes in which brieves are required.

[1] Under feudal law a renewed investiture was necessary on every change of superior or vassal, and the heir lost his right for ever if he neglected to renew the investiture for a year and a day. In Scots law the heir in such a case lost only the retoured duties of his lands from the death of his predecessor to his own citation by his superior in process of *general declarator of non-entry*. See Erskine, p. 148.

[2] Actions proceeded anciently on brieves issued from the Chancery to the justiciary or judge ordinary, who gave judgment on the verdict of a jury. On

England, where they are still generally used, there are more than one hundred varieties of them, and there is hardly any form of legal process which does not originate with them. In Scotland brieves have been abolished or have fallen into desuetude in most civil actions, except in suits of mortancestry,[1] whether the property is entailed, or is inherited at common law by descendants or collaterals; in processes for making effectual the right of terce;[2] in processes for clearing controverted marches by perambulations; and, in the case of co-

fol. 101.

proprietors, in the divisory actions *familiæ erciscundæ* and *communi dividundo*;[3] and in other actions of a similar nature. But otherwise we find it more convenient to use an ordinary summons.[4] For an accused person is more willing to lodge a defence and to accept judgment when the claim and its grounds, with other necessary details, are set forth in a summons, than when he is bidden to answer summarily at the instance of a brieve in the king's name without cause shown.

Statutory law in both countries is first relied on.

Finally, decisions at law are founded, on the whole, on the same practice in the two countries. Both give the first place to the provisions of statutory or Parliament-made law, provided the subject at issue is dealt with, permitted, or prohibited in any statute. The first consideration is attached to the actual words of the statute, and they are of chief authority in every tribunal. The literal meaning of the statute must not be

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the institution of the College of Justice, brieves were replaced by a summons or writ in the king's name, in which the libel or declaration setting forth the ground of action was engrossed, at first when the summons was called in Court, and eventually, by an Act of 1723, before execution. See Erskine, p. 547.

[1] See above, p. 316, note 1.

[2] A widow, having no title of possession, required to be served to her *terce* before she could receive the rents in virtue of it. To that end a Chancery brieve directed to the sheriff was necessary for the holding of an inquest. See Erskine, p. 216.

[3] Where two or more persons were common proprietors of the same subject, it could by the Roman law be divided at the suit of any one of them by the action *communi dividundo*. See Erskine, p. 382. An action *familiæ erciscundæ* was competent to any one of the co-heirs for the division of what fell to them by succession. It has no place in heritable succession in Scots law (Bell, *Dict. and Digest*, p. 453).

[4] See above, p. 319, note 2.

departed from, though occasionally, when the enactment in its strict grammatical sense would produce palpable injustice, its application may be modified by interpretation. In such a case, its literal meaning may be relaxed as far as possible. If, on the other hand, the statute is lenient, it may be applied to other cases by the judges. Such is the usage common to the Civil law and to the law of both countries.

Common Law of next importance in England.

If statute law offers nothing to instruct a judicial decision, recourse is had in England to common law: or, as it is termed, *jus patrium*, an amalgamation of the legal systems of the four races that at different times have ruled the country. This system of law the English kings at their coronation solemnly promise to respect as unchangeable and inviolable. The following fundamental principles of English common law show that it does not differ much from ours. It is a doctrine of their common law that no man may be deprived of his possessions, nor be placed in confinement, until he have been duly summoned before and condemned by a lawful tribunal. Another doctrine lays it down that the eldest son succeeds to the whole heritage and that the daughters divide it. The same rule holds in regard to brothers, of whom the nearest in birth, being, as it were, nearest to the deceased, takes the whole heritage. Sisters again, like daughters, take equal shares; and the rule is similar in the succession of remoter heirs in lineal descent. The estate does not ascend to the father or *fol. 106.* grandfather in the direct line, nor does a collateral of the half-blood, not being consanguinean through both father and mother, succeed. Preference in that case is given to the collateral line; for instance, a half-brother does not succeed, but preferably the uncle of the deceased owner. Should the uncle die without children, then only does the half-brother, being his nephew, succeed. If a foreigner becomes naturalised by royal licence — what is called denisation — the English prefer the children born after his naturalisation to those born before it as heirs to his estate. In default of descendants and collaterals the estate reverts to the superior. The eldest of two or more brothers, and not the one immediately older or younger than the deceased, succeeds the latter

as heir of conquest by right of position and primogeniture.[1] Heritable property cannot be conveyed by testament.[2] The father's estate never passes to the relatives of the mother, but, in default of collaterals to the former, reverts to the superior. Property conquest, however, in default of collaterals on the father's side may pass to collaterals of the mother. If a son possessed of an estate dies childless, the estate passes to the uncle and not to the father;[3] but the former's succession is broken should the father beget another son by the dead son's mother, in which case the younger son succeeds to his elder, though long since deceased, brother. Heritage, again, cannot be transferred without sasine, except in exchanges; and in letting it is not necessary, since the property remains under the same proprietor. Moveables pertain not to the heirs but to the executors of the last will of the deceased.[4] English law recognises both the curiality or *courtesy* by which the husband has the usufruct of his dead wife's heritable property,[5] and also the *terce* due to widows. The ward and marriage of heirs, and also the relief, as it is called, belong to the superior.

I have quoted these principles of English law to show that to a very great extent they agree with our own. And it will
fol. 16. be easily observed that the greater part of them are derived from the *jus feudale*, though the English conceal the fact and profess to believe that their laws are of purely indigenous growth. When the above principles are involved, it rests with the judge to determine the issue consonant with the practice of common law. They are not submitted to the jury

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[1] Prior to 1874 there was a distinction between the heritable rights derived by the deceased from his father or other ancestor (*heritage*) and fees of conquest (*feuda nova*) acquired by him by singular titles. The distinction obtained only when two or more brothers or uncles, or their issue, were next in succession. In such a case the *heritage* descended to the immediate younger brother, the conquest ascended to the immediate elder brother. On this Scottish practice, see Erskine, p. 469.

[2] Before 1868 no proprietor could settle any heritable estate in the proper form of a testament. See Erskine, p. 470.

[3] The father was excluded by ancient usage. In the succession to *heritage* the heirs were, in order—(*a*) descendants, who were preferred before ascendants or collaterals, (*b*) collaterals, (*c*) the father, (*d*) the father's brothers and sisters, (*e*) the grandfather, (*f*) the grandfather's brothers and sisters, etc.

[4] See Erskine, p. 509.

[5] See above, p. 317, note 2.

as other matters are, particularly those involving questions of fact. Nor may the judge depart from them without good reason; if he does so it is competent for the injured party to appeal to a higher tribunal, and if the judgment is reversed, the judge below is liable to forfeiture, or, as the English say, is at the king's mercy.

General maxims hold the third place of importance.

If neither statute nor common law avail to satisfy the judge on the issue before him, he has recourse to certain general maxims. These truly have not the same sanction as common law principles, and yet follow from them and stand in authority next after them. The only difference between them is, that whereas the common law is known to all, lawyer and layman, these general maxims are known only to lawyers practising in the law courts. An enumeration of some of them will make the point clear. One is that an uncertain payment for scutage involves military service, and a certain one socage only. A vassal who holds a fief on the service of castleward does not owe scutage, though his service is military: because the ward of the castle in times of danger stands both as his scutage and service. A vassal whose tenure requires him to make a fixed annual *reddendum* in respect of his castle holds in socage.[1] Prescription has no force in feudal subjects,[2] nor can a right be called prescriptive of which the memory of its beginning remains. A usufruct can be assigned, although there is no mention of assignees in the deed constituting the usufruct. An action over heritable property must be raised in writing, and not otherwise as in the case of moveables. The confirmation of a vassal who at the date of the confirmation had no right is ineffectual; and even if he subsequently acquires a right it will be of no avail until he has, prior to the date of acquiring the right, given security to meet the case of eviction. If stolen property exceeds twelve pence in value the thief is punishable by hanging, but for a smaller sum the

[1] Socage tenure was essentially non-military. Scutage was a mediæval fine paid by military tenants to escape the obligation of military service. It had long been obsolete by the seventeenth century.

[2] Positive prescription was first introduced into Scottish law in 1617, c. 12, by which a peaceable possession of forty years continuously received a right against any person pretending a better title. See Erskine, p. 450.

punishment is less severe. The man who steals anything from the person of another forfeits his life. There are a great number of other maxims of the same nature. To such maxims or axioms the English give the third place of importance in formulating judicial sentences; whether they are in the nature of a maxim or an axiom is for the judge, and not for the jury, to decide. To this kind of law they give the name customary, because it is the growth of custom. It also savours of the feudal law, as will appear later.

Local custom has the fourth place in authority.

Failing the statute law, common law, and these general rules or propositions, recourse is had to local custom, *i.e.*, the local principles and axioms of the district in which the case before the court arises. For there is a local custom in Kent, another in Essex, others again in Norfolk, in Suffolk, and Canterbury. And the reason of this is, that when different kings reigned in different parts and administered laws, different customs necessarily arose. For instance, it is the immemorial custom in Kent for all the sons to equally share their father's heritage, and the daughters also,[1] though apart from this local custom the rights of the first-born are universally recognised. In Nottingham the youngest of two or more brothers succeeds to the whole estate, a custom which is defended by the contention that he is the most in need of support, and that what the father cannot give the law supplies. Londoners can devise their heritable property by will, contrary to the practice of common law, a licence which attaches to burgage tenures only, I think. In some places the father's felony does not prejudice the son's succession. In some, again, the widow takes the half of her husband's possessions if she does not marry again; just as the husband takes half his wife's estate if she dies before him, even if there are no children left of the
fol. 100.
marriage.[2]

I have said enough to give my countrymen at least a general idea as to the source and principles of English law, and it is not my purpose on this occasion to traverse the whole field of that subject. This point, however, must be held in mind in

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[1] This rule held, however, only in the case of intestate succession.

[2] For the general rule as to the *courtesy*, see above, p. 317.

regard to these local customs, that if any one of them is of immemorial usage, it is binding and has the force of law. At the same time, customary law differs from prescription in that the former is of more general application and is common to a whole district; whereas the latter is restricted to the estate, barony, or manor of noblemen. It is not unusual for many customs to obtain in one barony or manor which are not found in others. For instance, in certain baronies leaseholds are for life, while in others they are annual only, unless a period is specified. In others leaseholds are hereditary, a custom which obtains among us in Scotland on the ecclesiastical property of the see of Glasgow and Abbey of Paisley, where it is still observed. Rentals, as we call them, used to be in perpetuity in the West of Scotland, and an extract of the enrolment of the rentaller from the landlord's rental book confirmed the former in the usufruct.[1] Nowadays greater caution is employed, rental rights are restricted to the tenant's life, and the landlord is precluded from invoking the common law to escape from the contract.[2] Prescription therefore is more local than customary law, and it has the force of law if the duration of its application exceeds human memory.

The decisions of the Court of King's Bench hold the fifth place.

If no guidance can be obtained from custom, general axioms, or prescription, then the precedents set by previous judicial decisions in similiar cases, and particularly in the Court of King's Bench, must be followed, on which fresh cases when they arise must be decided if the circumstances are similar. Against a decision based on precedents there is no effective exception or reply other than proof that the circumstances of the two cases differ; and the smallest detail of difference frequently avails to break down the alleged similarity of fact. Hence the need for the numerous books of Plowden[3] *fol. 110.*

[1] Rentals, which now are obsolete, were relics of ancient heritable rights and approximated to liferent tacks. Their holders were called kindly tenants (*nativi*) or rentallers, and an enrolment in the landlord's rental book was effectual against the landlord himself and his heirs. See Erskine, p. 175.

[2] Craig refers to the statute of 1449, c. 17, which gave tacksmen security of tenure during the endurance of their tack; but excluded from its benefit tacks granted to perpetuity, and held as good for one year only tacks which did not mention the term at which they were to determine. See Erskine, p. 170.

[3] See above, p. 312.

on Cases (such is the term they use for these hypothetical examples), or of Judge Dyer[1] on the same subject, and others, whose object is to present the precedents for any case that may be brought into court. If one party to the action can produce a case where the judgment supports his own contention, the other argues with all his might that the circumstances of the case before the court are distinguishable from those of the precedent quoted. It is left to the judge to pronounce which is right, and to state the points of resemblance or difference between the two cases.

The Court of Equity.

Seeing that what is called the excessive rigour of the law, *i.e.* the *summum jus*, oftentimes deals severely with offenders and condemns them to prison, it is the custom to mitigate it somewhat in favour of those who have lost their case through no fault of their own, in order that as many as possible may be helped to restore their position. The Court wherein the rigour of the common law is sometimes mitigated is called by the English a Court of Equity or conscience; misplaced clemency, as many people hold, and often by no means guided by the promptings of conscience.[2] But I will not pursue that point. The Civil law, so the English imagine, has but little vogue among them. Indeed, though you will find in every branch of study very learned men in England, there are very few who have made the study of Civil law their main pursuit. They are content to merely salute it from the threshold, and in its room to give consideration to the institutes and customs of their native land. It has indeed been held by some jurists that England follows her own municipal law, whereas Scotland's system is rooted in the Civil law. But in fact the Civil law has never been so exiled from English practice as to prevent its principles and decisions from flashing light on every point and illuminating every controversy. But this illumination they prefer to

[1] See above, p. 312.

[2] The distinction between law and equity recognised in England is unknown in Scotland. The Court of Session, however, by virtue of the *nobile officium* inherent in it, may proceed as a court of equity by the rules of conscience to abate the rigour of the law and to give relief in cases on which a court of law can offer no remedy. See Erskine, p. 27.

ascribe to their own jurists rather than to the ancient jurisconsults. And yet, however little Civil law may be professed among them, it none the less shines so clearly amid all their legal controversies that any one skilled in it will very readily discover that all of them are easily capable of solution by the Civil law and the responses of the jurisconsults or rescript of the Cæsars, as is frequently noticeable in the cases reported by Plowden and Dyer.

fol. 111.

Canon law in England.

As to canon or pontifical law, the English still retain it on many points, though they have abjured the authority of the Roman Pontiff. Canon law regulates the practice of all the Archiepiscopal and Episcopal courts or Consistories in England, particularly in matters affecting tithes, Church property, and ecclesiastical fabrics. It also rules in matrimonial suits, betrothals, doweries, legitimacy, and the like.

No one therefore can fail to see that the origin, beginning, and development of the systems of law of the two countries are identical; though the further we travel from their common origin the wider is the difference which can be detected between them. Should the attempt be made to bring them into harmony, it would be necessary to revert to the sources of feudal law, that is (as I have shown) to the Norman code, in whose idiom the laws of England were and still are written. At the same time, the Norman code itself, with the lapse of time, has departed considerably from the fundamentals of feudal law in many particulars. Yet, making allowance for that fact, no one can glance at the Norman code in use to-day without discerning in it plainly the source and foundation of the laws of England. The laws of Normandy are extant, with commentaries by the learned doctor William Terrein,[1] and in them even the technical terms are the same as those in use in England. Both in England and Normandy laws are termed charters; for instance, Magna Carta and the charters of Louis Hutin and King Philip are regarded as laws by the two peoples. By both the word 'chattels' is used to denote 'moveables,' and further similarity is found in their employment of other technical terms which have no affinity

[1] Guillaume Terrein, *Commentaire du droict civil observé au pays et duché de Normandie*; published 1574.

to their common tongue; for instance, pleas, considered judgments, recognisances, homage, fidelity, lealty, brieve of montancestry, sasine, and others in great number. It
fol. 112. is true that the English still attach the utmost importance to infractions of the king's peace, an idea which descends from the Saxon systems, and was preserved by the Conqueror and his successors alongside of their own for financial reasons.[1] But if the ancient Norman code cannot provide us with a harmonious system we must go even further back to the feudal code whence that of Normandy was derived, and find in it, somehow, the basis of agreement. And if, as I have remarked already, common ground cannot be found in feudal law, we must go to the Civil law, whose principles are so equitable and of such widespread acceptance that it deservedly merits the appellation, common law. In the pronouncing of judgment and in the execution of decrees of court many differences may be detected in the practice of the two countries; but they are not of a kind to prevent the harmony of principles now in view. For though procedure may not be identical, and the forms of action, citations, interlocutory judgments, decrees (or judgments), may differ, the law administered does not necessarily do so. In fact the two countries employ the same judicial offices. In both the Chief Justice pronounces judgment in criminal cases, and their cognizance pertains to him only. In both countries the Admiralty exercises maritime jurisdiction, and on land the sheriffs, stewards, and coroners. Over them in England are the Court of King's Bench, and in Scotland the Senators of the College of Justice. I refrain from mentioning other illustrations lest this chapter grow to the dimensions of a book.

I conclude as follows: There is not that difference between the laws of the two countries that is popularly supposed to exist. Nor is there any reason to despair of the possibility of so harmonising the legal systems of the two peoples as to fashion one body of law applicable equally to both, and thereby to promote the union of the two countries in one body politic.

[1] Justices of the Peace were constituted in Scotland by the Act 1609, c. 7, and their powers were extended by 1617, c. 8, and 1661, c. 38.

CHAPTER VII

Whether a sharing of offices, dignities, and rights be needful in the projected Union.

fol. 113.

The question whether the people of one country should be eligible to enjoy the offices, positions, dignities, rights and privileges of the other (the remaining topic for our consideration) is the subject of somewhat heated controversy. For though such an arrangement cannot but conduce to the dignity and advantage of each country, the English will insist that they are worse off if the Scots share their honours and dignities, and if the effect of denisation or naturalisation (to use the current term) is to place each country on an equality in respect of positions of dignity and honour. Such an exchange, they declare, would be like that of Diomed and Glaucus;[1] for in England there are many wealthy benefices, and the Church has ample revenues; whereas in Scotland the Church is so lean and impoverished that its dignitaries can barely subsist on their stipends. Our neighbours are also disinclined to admit us to high, honourable, and lucrative positions in the patronage of the Crown, and they instance the Parable of the Ten Virgins, five of whom who ran short of oil were refused it by the others, lest haply there might not be enough for all. Mr. Fuller offered a similar illustration in the course of the recent debates in the House of Commons.[2] If, he suggested, there were two meadows, one fertile and the other barren, and if lean cattle were turned into the former and fat cattle into the latter, the lean would wax fat and the fat would perish.[3] Very unreasonably—but unreasonable people are *fol. 114.*

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[1] *Iliad*, Bk. vi.

[2] Fuller's speech was made in the Commons on the Report of a conference between the Lords and Commons on the proposal to appoint Commissioners to consider the proposed Union. See Bruce, vol. i. p. 55. See Bacon's answer in *Ibid.*, vol. ii. App. 18.

[3] Fuller gave as a further illustration the case of trees, which being transplanted from a poor soil into a good one outgrow the rest. See notes on the debate in Bruce, vol. ii. App. 2.

to be found everywhere—some people aver that the union will result in the inundation of England by a poverty stricken race, who will eat up the fruits of the land.[1] Yet has not a wise man said: 'in the multitude of people is the king's honour; but in the want of people is the destruction of the prince';[2] and is not Philip King of Macedon praised for having, on the eve of his war with Rome, handed over certain of his cities to be occupied by his Thracian neighbours, poor though they were, whereby he peopled those cities with men on whom he could draw?

The renown of a king and his kingdom is in the number of his subjects.

I am well aware that objections such as the above are generally urged, and that the opponents of this beneficent union are numerous in both countries, though they are outnumbered by those who are in favour of it. In England itself there are far more people who desire union than dislike its accomplishment.[3] And yet unless all distinctions between the two countries are removed, and equal access to dignities, honours, and immunities be allowed, perfect union is not attainable. For if men are not allowed to share the honours and dignities of the state, neither will they be inclined to bear their part in its perils. Those whose nationality or locality excludes them from employment or promotion will resent the slight, will be disposed to rebel, and will seize the opportunity to do so should it arise, as often happened in the history of the Roman Republic. For what more seriously prejudiced the interests of Rome than the jealousy between the plebs and patricians, arising from the fact that the latter kept the consulate and all other public offices in their own hands, and spurned the plebs as beneath them. So also Scotsmen, living in the same island, will feel that they are despised and held of little account if honours and dignities are closed against them; and should they be bidden to confront the foe, are likely to call on those preferred before them in posts of honour and dignity to play the leading part also in war. Though our resources may not equal those of England, Scotsmen are still bound to use

[1] An equally jealous attitude marked the debates on the proposed union in 1656. See my *Cromwellian Union*, Introduction.

[2] Proverbs xiv. 28.

[3] It is difficult to accept Craig's statement.

them in their king's service; and the latter, whose prerogative it is to reward faithful service, will suffer diminution of his prerogative if he be denied the power to reward valour by military and civil promotion. An exceedingly bitter war broke out between the Romans and the Latins owing to the closing of the consulate against the latter. The Latins declared that, tempted by the proffer of friendship and alliance, they had been enslaved, whereas union implied equality of rights. By the accession of so large a country as their own the resources of Rome were almost doubled. Then why not share in common? Why restrict honours and administration to one and leave the other in an almost servile situation? If posterity was to contemplate a united kingdom and commonwealth, brave and upright men ought not to be cut off from the hope of attaining the reward and promotion which are wont to stimulate men to excellence. It had never yet been the custom for a state to neglect those who exhibited great qualities. Indeed Rome herself had never been unmindful of merit in a stranger, and though they were aliens, elevated Numa, Tarquin, and Servius to the throne. Such and many similar arguments were addressed by the Latins to the Romans. *fol. 115.*

Is there no such thing as an educated Scotsman? Our manses are invariably filled by men who are learned and upright. Whatever influence he may employ, a Scotsman has no chance of appointment in the public service, civil or military, unless he is thoroughly competent. As Claudius Cæsar, according to Tacitus, pertinently remarked when the admission of the Gauls to the Senate was under discussion, 'Moribus artibus adfinitatibus nostris mixti aurum et opes suas inferant potius quam separati habeant.' As to Scottish trustworthiness and ability, Charles VII. of France's appreciation of these qualities was shown by his appointment of a Scotsman, John Earl of Buchan, to the Constableship of France (a position of dignity next after the king) in reward for his defeat and slaughter of the Duke of Clarence.[2] Douglas also, for his brave and faithful service against the English, was *Annals*, Bk. xii.[1]

[1] The correct reference is to lib. xi. cap. 24.

[2] John Stewart, Earl of Buchan, defeated the Duke of Clarence, in 1421, at Beaugé, and was created Constable of France.

created Duke of Touraine.[1] Aubigny again, after the capture
fol. 116. of Naples, was appointed by Charles VIII. commander of the army with viceregal powers for its defence, whereas the timid French commander, though he was of the blood royal, was merely appointed governor of the city.[2] At a later time the Duke of Albany, the guardian of James V., was sent with a strong force from the camp on the Ticino to recover the kingdom of Naples; a step which, as Paradin notes,[3] dangerously weakened the French army, and contributed to the Bourbon's defeat.[4] Indeed, a squadron of Scottish cavalry under its own noble leader has always held an honourable position as the French king's body-guard. Need I mention Montgomery,[5] who never commanded less than six thousand Frenchmen, whose valour and fiery zeal gained them the name of the 'Six Thousand Devils' in the time of Francis I.? There are many noble houses of Scottish descent in France at this day, possibly more than a thousand of them, though they prefer to regard themselves as French rather than Scottish. In France, moreover, Church benefices have always been open to Scotsmen as freely as to Frenchmen. For instance, in our own age we have seen the Bishopric of Mirepoix[6] and the Abbacy of Vaison (?)[7] among others,[8] occupied by Scotsmen. Scotsmen

[1] Archibald Douglas, fourth Earl of Douglas, and first Duke of Touraine, fought on behalf of Charles VIII. of France, and was defeated and slain at Verneuil, 1424.

[2] Bernard Stewart of Aubigny won the victory of Seminara over the king of Naples in 1495.

[3] Guillaume Paradin, *Memoriæ nostræ libri quatuor*, 1548.

[4] John Stewart, Duke of Albany, received from Francis I. the command of the French troops in Italy in 1525. His movement on Naples contributed, and for the reason noted by Craig, to the defeat of Francis I. at Pavia.

[5] Gabriel de Montgomery, Captain of the Scottish Guard, by whom in a joust Henry II. of France was mortally wounded.

[6] Cardinal Beaton held the see of Mirepoix in 1537.

[7] Craig possibly refers to William Chisholm, Bishop of Vaison. See Keith's *Scottish Bishops*, second edition, p. 180; and Michel, *Les Écossais en France*, vol. ii. p. 213.

[8] Professor Cowan (*Scottish Church in Christendom*, p. 245) mentions as among the notable examples, Robert Ellis, Archdeacon of Toulouse in the twelfth century; John Carmichael, Bishop of Orleans in the fifteenth century; and Andrew Forman, Archbishop of Bourges, 1513-15. Michel, *op. cit.*, vol. i. p. 478, also mentions David Panter, who received the Abbey of Absie en Gastrine, *circa* 1550.

therefore will justly hold themselves unfairly treated if, having for the sake of the English been required to break their connection with France, they are now denied in England the privileges which they have enjoyed and still enjoy in France. For even in England in early times Scotsmen were permitted to hold posts in the Church. Five Scotsmen in succession held the See of Lindisfarne, as the Bishopric of Durham used to be called;[1] three Bishops of York were Scotsmen,[2] and three of Lichfield.[3] Indeed in the fifth century[4] there was little religious progress in England that was not directed by one or other of the Scottish followers of Columba; until the anger of Rome drove them from their benefices in England because they were at variance with the Latin Church on the observance of Easter,[5] a subject to which I shall recur.

If, therefore, we are to lose our privileges and naturalisation in France, as must be the case should war break out at any time between the two countries, and if in England we are not allowed to share rewards and honours, the lot of Scotsmen will be a very hard one; for in both countries they will be *fol. 117.* excluded from the prizes for merit, and will be banned like criminals from ecclesiastical and secular office.

If such a union is to be formed as is wont to exist between *'Ad Municipalem,'* l. i.[6] fellow citizens and townsmen, public posts ought to be open to all; for fellow townsmen are equally eligible to public positions. Nor in the proposed union should access to digni- *'Ad Municipalem,'* l. ii. *et seq.* ties and honours be denied, seeing that we not less than the English are responsible for public burdens. Since we are generally prepared, according to our ability, to bear our share of the burden, we certainly ought to be equally eligible

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[1] Aidan (d. 651), and his successors, Finan, Colman, Tuda, and Eata (d. 686).

[2] Possibly Craig counts Wilfrid of Lauderdale a Scotsman. But I cannot identify the other two Scottish Bishops of York.

[3] Bede (Bk. iii. chap. 21) mentions Diuma and Ceollach, the first two Bishops of the Mercians, as Scotsmen, and the third, Trumhere, as 'ordained bishop by the Scots.'

[4] The influence of Scottish Iona upon England began with the arrival of Aidan at Lindisfarne in 635.

[5] The decision of the Synod of Whitby in 664 caused the withdrawal of the Scottish clergy from England.

[6] The reference is to *Corpus juris civilis digesta*, l. tit. i.

'*Secundum naturam est*' (De Regulis Juris); '*Manifestissimi*'; but see 2 C. '*de jurtis*.'[1]

'De Justitia et Jure.'[2]

for dignities and honours; for justice, without which human society cannot hold together, demands equality for all. Polybius, as I have remarked already, estimating the cause of the success of the Achæan League, remarks that its principles of government were impartial and allowed perfect equality among all the partners, whence arose its exceedingly satisfactory situation. Again, in an earlier passage, describing the readiness of the other Peloponnesian states to join the League, and even to adopt its name, he explains the fact as due, in his opinion, to the absolute and impartial equality which the League allowed its members. Therein it offered an example of a perfect union; in proportion to their means all were liable to bear the public burdens; none could claim exemption from them, and honours and dignities were open to all; while no one rightly disposed sought to make private gain or profit out of positions which in olden times were held as a duty to the state rather than as steps to affluence and influence.

But our neighbours may justify their attitude by representing, that though such arguments are perfectly sound, and that distinctions in so great an issue as the present are inexpedient, yet perfection cannot be attained all at once, and must result from the operation of time. And they will point to the fact that they have agreed that all persons born after the accession of King James and the death of Queen Elizabeth shall be as eligible as the English themselves to all dignities, honours,

fol. 118.

and public offices; while those born before that event are to have the full privileges of native-born Englishmen, with three exceptions: admission to offices of judicature, or under the Crown, or to a voice in Parliament.[3] The latter privileges,

Reservations in the Union.

they aver, cannot be conceded until the union has taken deeper root and both sides have become more accustomed to the situation, a consummation which time alone can produce. The Scottish Commissioners held resolutely to the wish of their constituents, that union should either be comprehensive

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[1] *Digesta*, l. tit. xvii. Cod. vi. tit. ii. 22.

[2] *Institutes*, i. tit. i.

[3] See the Articles of Union agreed to by the Commissioners on December 6, 1604, in Bruce, vol. ii. App. 15.

or be abandoned altogether. But as the discussion was prolonged to a late hour, and the ratification of the union itself was in grave jeopardy, the king wisely agreed to a compromise, that as the patronage of magistracies was a royal prerogative, such patronage should be left in his hands entirely, on the undertaking that he would promote to the bench or to the franchise none who had been born before his accession to the English throne, other privileges remaining open impartially to the subjects of the two countries.[1] After long debate, whether to agree to or to reject this condition, it was agreed on both sides to refer the King's proposal to the Parliaments of the two countries. In informal conversation on this matter some English people expressed the opinion that a considerable degree of concession had been made to us. Others took the more correct view, that no more had been granted us than the law of England already allowed; for English law does not regard Scotsmen as aliens.

Have Scotsmen ever been deemed aliens or foreigners?

fol. 119.

If any one supposes that any statute exists depriving Scotsmen of the power to enjoy the same rights and privileges as the English, let him indicate the statute and the Parliament by which it was passed. And even if such a statute could be found, it can no longer be proceeded on, as the lawyers say, seeing that we then were enemies and now are fellow subjects of the same king.[2] What is permitted to one subject cannot be denied to the other, and we Scotsmen demand nothing more than that we should be treated as fellow subjects. If laws were still current forbidding a Scotsman to live near an Englishman, or to meet him in the street, or to eat at the same table with him, such injunctions would tend rather to perpetuate enmity than to promote conciliation. And I ask, if Scotsmen are admitted without restraint to honours and posts of dignity in England (provided they are

[1] The Articles of Union expressly reserved to the two Parliaments the power to insert clauses safeguarding the royal prerogative in this particular. See Bruce, vol. ii. p. xcii.

[2] Among the English hostile laws scheduled by the Commissioners in 1604 for abrogation there is none of the character suggested by Craig. On the other side, the Scottish laws included one of James III. in 1466 which forbade an Englishman to hold any secular or religious benefice in Scotland.

otherwise eligible), wherein will England be the loser? The incomes attached to such official positions must be spent in England; since their duties cannot be discharged except by residence in that country. If the English really desire a lasting agreement, as they ought, the openings for honours and the rewards of good service for accomplished and deserving individuals of both nations must be identical, otherwise we are not likely to attain that friendly settlement which is the object of our present endeavour.

In short, common reason and right require, as I have stated, that those who share responsibilities should also share the rewards. If from henceforth the well-being of the two countries and the dangers that may assail them are identical, why should not the rewards for service in the common cause be equally shared? Why should people be relegated to an inferior position in time of peace who incur the same dangers in time of war? It is a legal maxim that the man who meets danger has a natural right to enjoy the rewards also, and that partners in peril should divide the spoil. Our countrymen would be much more disposed to bear patiently their complete exclusion from all public offices and rewards (a matter which, however, rests with the king) than to be barred specifically by statute from the prizes of civil and military service, and from the honours by which the state is wont to recognise loyalty, as being unworthy to receive them.

'*Secundum naturam est*' (De Regulis Juris); '*Manifestissimi*,' and at 2, '*de furtis*.'[1]

Scotsmen also rely on the edict of Edward VI.[2] Therein the English expressly declared that they preferred the Scots as brothers and fellow subjects than as enemies and dependants, and promised liberty and equality in everything. Their reason was the fact that we both inhabit the same island, and therefore are brought together by nature; while our customs, constitution, tongue, and general conditions, are either identical or closely cognate. Therefore, though they had won a crushing victory, the English offered us, on their own initiative, not only friendship but equality; and though their garrisons held a great part of Scotland, none the less they undertook to throw open England to us, and to abolish those statutes which forbade com-

fol. 120.

[1] See above, p. 334, note 1.

[2] See p. 256.

mercial intercourse and intermarriage between the two nations. Further, in order to demonstrate the sincerity of their affection and good-will, and their wish to bring about lasting concord, union, and complete equality, they promised to grant to all Scotsmen who embraced their alliance free access to English harbours, liberty to come and go, to import and export goods, and to do business with them, as freely and subject to the same duties as if they were Englishmen. They would have made yet further concessions had they been pressed; but neither fair speech nor written undertakings could at that time influence the implacable clerical order to agree to union with England, though King Edward was one of the best of men. As the author of all the troubles that followed, that order has been justly punished by the confiscation of almost all its property and endowments, and those who once held a third part of the realm are to-day so reduced that they are quite unable to support their former dignity, though they in no way lack the means to live an honourable and Christian life.

Scotsmen will hold themselves unworthy of the glory and renown of their ancestors if conditions which were offered us when worsted in war are now denied us, and if we are treated as aliens, when our situation is so much better. For even aliens, as we may read, have not invariably been cut off from honours and public service. Simon de Montfort, though he was a Frenchman, was held in such high esteem that he was created Earl of Leicester, was entrusted with many public duties, *fol. 121.* and even played the leading part in the counsels of the kingdom. Robert of Artois, another Frenchman and kinsman of the French king, deserted his natural allegiance and passed over to the English.[1] He commanded the English forces on many occasions against the Count of Blois, who was contesting possession of that duchy with John, Duke of Brittany, and also in the siege and battle of St. Omer.[2] Geoffrey again, brother of the Count of Harcourt, who also took the English side in that war, was made captain of a select light-armed troop after the fall of Caen, and was even attached by the

Jean de Serres's *Philip of Valois* and Polydore Vergil's *Edward III.*

[1] Robert III. of Artois was the brother-in-law of Philip. VI. of France. See Froissart's *Chronicle* (Tudor Translations), vol. i. chap. 25.

[2] *Ibid.*, chap. 62.

king to his son Edward, Prince of Wales, to advise him when he led the first line at the famous battle of Creçy, since the Prince's age did not fit him for such responsibility. Geoffrey, a man of recognised renown, directed everything in his name, and if Jean de Serres [1] is to be believed, was created Constable of England in recognition of his valour. After the fall of Calais, Edward III. committed the town to an Italian, Almeric of Pavia.[2] Count Robert of Namur,[3] again, whom Edward III. took into his pay to aid him in the conquest of Scotland, invaded that country at the head of an army, and was captured by the Scots after the slaughter of almost his entire force, as Holinshed relates. These examples serve to show that the English have frequently availed themselves of the services of aliens and even of exiles. Had Scotsmen been engaged by the English in their wars, they undoubtedly would have won for themselves a name and renown such as they acquired in France.

PolydoreVergil, *ibid.*

Dues and Customs.

I pass to the subject of the levy and rebate of duties and customs. To abandon them involves no loss to any one but the king, and surely he can make such a concession to any one if he pleases. When our Lord asked Peter, 'Of whom do the kings of the earth take tribute, of their own children, or of strangers?' Peter answered, 'Of strangers.' 'Then,' said our Lord, 'are the children free.'[4] What the king at his pleasure can grant to one he can, if he pleases, grant to all if it be to the public interest, seeing that his subjects are ready to sacrifice their means and even their existence for his welfare, dignity, and authority. Are the goods of Scotsmen who have acquired property in England by inheritance, purchase, or exchange, or have died in England testate or intestate, to be treated as the property of aliens and be swept into the Exchequer as so much treasure trove? Our wise king will never allow Scotsmen, his own kin, to be treated as foreigners in his own dominions, to be liable to heavier bur-

fol. 122.

[1] The *Histoire de France*, by Jean de Serres (Serranus), was published in 1600. See Froissart, chap. 128.

[2] Froissart calls him 'Sir Amery of Pavy, a Lumbarde borne, whom the kyng had greatly avaunced' (chap. 147).

[3] See Froissart, chap. 141.

[4] St. Matthew xvii. 25.

dens than the English, or to be deprived of property which they have acquired by marriage or some other equitable title. On the strictest grounds of equity I do not hesitate to say, that for three or four centuries past we have been most unfairly treated by our neighbours, who have regarded us as foreigners, and have compelled us to be naturalised to qualify for the enjoyment of English citizenship. For there is no English law or statute in which Scotsmen are debarred from title to or possession of property validly acquired in England.[1] The only statute which can possibly be construed in that sense is Edward III.'s enactment,[2] which even at the time was not universally accepted (as appears from the text), and in any case applied only to persons born outside the island, and not, as the words of the statute show, to persons born in Britain, their common parent. Again, if we look at the subject in the light of feudal law, the fact that a man cannot be the vassal of more than one liege lord strongly supports our case; for if men are the vassals of the superior in whose territory their possessions lie, they must share the privileges of their co-vassals, a legal right which is obvious. If the vassal of one prince acquire a fief or benefice in the territory of another he will be bound to two masters, will be pledged by an oath of fealty to both, must endure the utmost for the welfare of both, preserve their secret counsels, and reveal any act or purpose hostile to both of them. Such are the obligations which feudal law imposes on the vassal. But, if a quarrel should arise between his two superiors, to which of them must the vassal do his duty, seeing that he is bound to both, and has made oath, which the law regards as indivisible, to both? 'A man cannot serve two masters,' said our Lord, 'but will love the one and hate the other,' and therefore our hypothesis is reduced to an impossibility. It is, in fact, an axiom of feudal law, and is accepted by the whole of Christendom, that a man cannot be the vassal of two superiors, and that if he bind himself to a second, the first may lawfully confiscate the fief held of him, lest it and its resources be employed against its law-

Scotsmen are not scheduled as foreigners in any English law or statute.

fol. 123.

Wherefore a foreigner cannot hold a fief in the territory of another prince.

[1] On the position of aliens under the English laws, see Bacon's speech in the Commons on the subject of naturalisation, in Bruce, vol. ii. App. 18. p. cxvi.

[2] 25 Edward III. Stat. 2 (*Statutes at Large*, vol. i. p. 254).

ful superior, or strengthen his enemy in war against him. That is the reason why foreigners are unable to hold a fief in the territory of a prince other than their own, to make it impossible for the resources of such a fief to support hostile enterprises. But so far as Scotsmen are concerned, that is a contingency which cannot arise now, nor, we hope, in the future. For the English and ourselves are now the subjects of the same king and superior. There is not the least probability that we shall reveal his counsels to a foreign prince, or aid him and contribute our means in his behalf against our rightful lord. On the contrary we shall unite with the English in service, obedience, and fealty to our common sovereign. As therefore the legal grounds are clear which forbid a foreigner to possess property in another prince's realm, namely, lest it should be employed to the hurt of its own superior, so also it is patent, that when the eventualities which called for the rule are no longer able to arise, the rule itself must cease to be operative.

Consider the matter from the point of view of legal sanction. There is no question that the English attach the first authority to statute law in determining legal obligations, and to enactments which bear specifically on the point at issue.
fol. 124. Customary law has no weight with them if it runs counter to the letter of their statute law. Now in their ancient statutes it is expressly ordained [1] that Scotsmen shall enjoy the same rights in England as the English, that is, are and shall be considered English citizens. The enactment in question came into force in the following manner. St. Edward, the last of the Anglo-Saxon kings (unless Harold is included), a most discerning prince, drew together the laws of England in a single volume. Before the Conquest it was the only code which the English possessed, and for its excellence was known as the 'Good Laws,' or the 'Laws of Edward the Good.' The Conqueror abolished almost all of them and set up new ones, Norman or French, in their

Edward the Confessor's statute admitting Scotsmen to fellow-citizenship with the English.

[1] Craig has before him here a collection and paraphrase of the ancient English laws, by William Lambarde, published in 1568, under the title Ἀρχαιονομια, *sive de priscis Anglorum legibus libri.*

place.[1] But so great was the indignation and murmuring of the English that frequent rebellions were the result, the people demanding again the 'Good Laws' of Edward. The Conqueror, however, disliked them as being more considerate to the people than to the needs of his treasury. But he was at length compelled to take a solemn oath at St. Albans that he would restore the old English laws, and those of St. Edward particularly;[2] that he would use no other, since Edward's were the most equitable; and that his judges should administer justice according to them. William's oath was renewed by his sons Rufus and Henry, and by Stephen, at their coronation, and by many later kings. Indeed, whenever they wished to gratify their people, or to coax money from them, the English kings were wont to undertake particularly that they would renew and observe the Laws of Edward and abrogate all others; though, as Holinshed remarks, they probably had no intention of doing so.

Scotsmen awarded the privileges of Englishmen by an ancient statute for valour against the Danes.

Among the laws of Edward there is one[3] wherein Scotsmen, in reward for their former services against the Danes, are declared to be no longer aliens, and are granted co-citizenship with the English. The text of the statute will be found in a volume entitled, Ἀρχαιονομια, *sive de priscis Anglorum legibus*, printed at London, by John Day, in 1566,[4] translated into Latin from the Saxon by William Lambarde, a learned author who is still in repute among the English, and is even mentioned in Holinshed's *Chronicle*. Consider first the title of the statute. It runs: 'De iis qui possunt et debent de jure cohabitare et remanere in regno Angliæ.' 'In Anglia cohabitare' bears the meaning 'to enjoy the rights of Englishmen'; for if the mere right to inhabit was intended, the Scots possessed that already apart from any statute or concession by Edward, seeing that freely and from an earlier period than

fol. 125.

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[1] Craig's error on this point has already been pointed out.

[2] William's renewal was the first mention of the so-called laws of Edward, so often appealed to before Magna Carta. They were rather what Edward observed than made.

[3] Lambarde, p. 137. It is not included in Benjamin Thorpe's *Laws and Institutes*, and may be held spurious. See his remarks on Lambarde, vol. i. p. xix.

[4] The correct date is 1568.

the English themselves they had dwelt in Britain. But, as is not infrequent, the word Britain[1] is here used to denote what had been the Roman province. That reading may be accepted from the practice of many writers, and especially Bede, and is also clear from the wording of the statute itself. Its title therefore may be read, 'Concerning those who may dwell in England as English citizens,' and the text of the enactment is quite relevant to such a title. At the outset the statute declares that the Britons of Brittany must be accounted worthy of English citizenship. The word *cives* used here should be noted, and also the reason which is given for the concession, namely, that the Britons had migrated from their own kin as the Jutes had done; the Jutes being one of the three tribes that took part in the Saxon conquest of England. The English in like manner may be regarded as an offshoot of the Jutes. The text adds that it was Ine, who was ruler both of the English and the Britons in the kingdom, who made the above order, because he had to wife one named Cambra, after whom he wished Cambria, afterwards Wales, to be known. He therefore ordained that the Britons or Welsh should enjoy the same rights as the English, and did so with the assent of his Witan and people. The text proceeds: 'Now, many Englishmen have taken Scottish wives, and
fol. 126. the Scottish nobles and people have almost universally intermarried with the best blood of the English, and so Britain, though divided into two parts, has become one flesh; a lawful union has been formed, and fornication and uncleanness are eradicated from the realm. Upright tribunals have been set up with pious care for the weal of the kingdom and security of the people. In this manner, by the grace of God, a single race and people has been formed in Britain, and what once was known as the kingdom of Britain has become the kingdom of England, whose subjects have ever stood united in defence of the common weal against the Danes and Norwegians, have fought strenuously shoulder to shoulder against their country's enemies, and have waged bloody wars upon its soil.'

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[1] The title given by Lambarde is, 'De illis qui possunt & debent de iure cohabitare & remanere in regno Brytanniæ.'

The foregoing relates neither to the Britons, Welsh, or Jutes, but solely to the Scots. The document proceeds: 'The above named Ine, a most excellent, etc., prince, ruled the kingdom and consolidated it, and held it united in peace, with great wisdom and discernment.'

Such is the text of the statute. It is not strange that the alleged union does not embrace the Welsh, though some may think that they ought naturally to have been included; for though Wales is now under the English crown, it did not admit English supremacy in the time of Edward the Confessor, but disturbed England with incessant wars. It is still less surprising that the Scots should have had the privilege of citizenship granted them, in view of their constant services. In the text of the document many points may be noticed which undoubtedly support our present claim to equality. First, for instance, the statement that because the Britons were emigrants, therefore they were entitled to the rights of citizenship; and that the Scots, having become one flesh with the English by the intermarriage of the nobility and commonalty of each, ought for the future to share the privileges which the English possessed, though in name they had hitherto been *fol. 127.*
distinct from them. For such a mutual bond and union had been formed between them as once existed between the Albans (or rather the Sabines) and the Romans, or as that between the Romans and the Latins, or, to look nearer home, between the Picts and Scots in the early history of those two states. Could the English kings do less for those akin to them, their allies against the persistent enmity of the Danes and Norwegians, than grant them both the name and privilege of citizenship? The document proceeds to state that fornication and uncleanness had been eradicated, words which no one will take to bear their literal meaning, but to imply that international promiscuity, strife, and dissension had been eliminated, while impartial tribunals had been established to hold the whole in equilibrium, so that should controversy arise in the future between the parts it would be determined on the basis of a uniform code. The document adds that by the grace of God a single race and people had been formed in Britain, implying that under divine favour the races inhabiting the

island had agreed to become one, and being one race and people, would for the future no longer be aliens in the eye of English law or subject to different laws.

Now if the fact that the Scots had English blood in their veins sufficed in those days to procure them the privileges which the English enjoyed, the same reason militates even more, as the lawyers say, at the present time, seeing that so many noble Scottish families are of English descent, as I shall presently show.

Another clause in the document explains why the Scots were held deserving of English rights and citizenship, namely, for their services in behalf of the English crown ('because they fought strenuously shoulder to shoulder against the Danes and Norwegians'). The statute makes it perfectly *fol. 128.* clear that the Scots, who had made common cause with the English against the Danes, the enemies of their faith, obtained the rights of English citizenship when the war was over; or rather, one common citizenship was established for the whole of Britain. It was the custom of the Romans, and the Athenians before them, to extend their citizenship to princes and peoples who had deserved well of them. And so in our island, the formation of a military and perpetual alliance between the English, Scots, and Welsh is implied in the statement of the document, 'The whole of Britain formed a single race and people'; so that should one of them be menaced from outside, all three would combine in a common effort to rescue the one attacked, and to extinguish a conflagration which threatened what they regarded as the common fatherland.

Now if the concession was made by that most excellent king with the assent of his Witan and people, what crass perversity is it to exclude us from the citizenship which we won with our blood, and to hold us aliens in a state and under a crown which owed their maintenance to our help, though little importance is attached to it to-day! For I think I may assert that in all their struggles with the Danes the Scots gave the English loyal and effective help. Though they often were tempted by the promise of reward, they never broke faith or made terms with the enemy. There is indeed no record of the

Scots ever taking part with the enemies of England so long as the Anglo-Saxon kingdom stood,[1] and clear evidence of the fact is before us in this document, on the testimony of Edward the Confessor, Ine, and the nobility of the realm. The truth is, the Scots diverted to themselves the blows aimed at England by her foes. For instance, the Danes, finding the Scots nearer to their hand, and unable by any means to detach them from their alliance with England, whereby they threatened to harry the rear of any invader of England, turned their arms upon Scotland.[2] For two hundred years the issue of the conflict hung in the balance. Two of our kings, Constantine and Indulph,[3] and more than 100,000 men were slain, though the war need not have occurred at all if Scotland had been willing to leave the Danes a free road into England, or to sever her alliance with England. During the reign of Cnut in England we fought fight after fight, now with the Danes, now with the Norwegians, for the sake of the English. Nor did the Danes and Norwegians desist from their attacks upon England until we beat them, drove them out, and exacted their promise never to return thither in arms again.[4] Let our neighbours, if they care to do so, examine the record of that period. They will find that while Cnut was reigning peacefully in England, Scotsmen were fighting his brother, his generals, and eventually Swegen of Norway with his whole army in three or four bloody battles, in the first of which King Malcolm was beaten with great slaughter, but, after repairing his losses, came off victor of the hazard of war in two battles.[5] For these services to England we not only received Cumberland, Westmorland, and Northumberland,[6] but also the statute

fol. 129.

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[1] The relations of Constantine III. with the Danes brought on him Athelstane's invasion of Scotland in 934, and his defeat at Brunanburh in 937.

[2] It is, of course, impossible to accept Craig's theory, that but for her alliance with England Scotland would have escaped the enmity of the Norsemen.

[3] Constantine II. was killed in battle with the Danes at Forgan in 877. The manner of Indulph's death in 962 is undetermined.

[4] Craig here follows Boece, Bk. xi. chap. 18.

[5] *Ibid.*

[6] Craig refers to the alleged cession of Cumbria to Malcolm I. in 945, and the cession of Lothian to Malcolm II. in 1018. The circumstances of the former are consonant with an anti-Danish agreement between the two countries.

which conferred on us rights and status identical with those of the English.

It is no new thing for foreigners to be enrolled as citizens of another state in reward for their services, as I have proved already by several instances. If more modern examples are desired, Scotsmen were rewarded for their valour and merit by admission to co-citizenship with the French. Edward III. by public statute[1] extended legal recognition to all the Bretons, *i.e.* made them citizens of England. In the same way the Swiss granted Louis XI. the privileges of their Confederacy, and themselves were admitted to the rights of French citizenship.[2]

Those who oppose our claim will object that the old English laws were swept away by the Conqueror, who introduced a new code of his own, ordered general submission to it, and abolished every other. I answer, that there is no point which was the subject of greater controversy between the English kings and their subjects than those old English laws. The kings would never consent to restore them; though the Conqueror and his two sons, Stephen, Henry II., Richard, John, Henry III., and his son Edward I. all promised to observe the laws of the Confessor.[3] We assert, therefore, that the laws and statutes of the Confessor, and especially those which define our rights, still retain their force. But that is not all; a further point is still more in our favour. Edward the Confessor's law was specifically confirmed by the Conqueror, and the fact is shown both by the statute's title and text.[4] The title runs as follows: 'The laws of good King Edward which William the Bastard afterwards confirmed.' The preamble of the statute runs: 'After he had gained possession of England, the aforesaid King William, with the assent of his barons, summoned the nobles and wise folk among the English

fol. 130.

The Conqueror confirmed the law of King Edward granting civic recognition to Scotsmen in England.

[1] The reference is to the statute quoted above. See p. 339.

[2] The reference seemingly is to the Franco-Swiss alliance of 1452, confirmed by Louis XI.

[3] Neither Richard nor John issued Coronation Charters. Craig omits that of Henry I.

[4] Craig is quoting Lambarde (p. 127). The title on which Craig relies is Lambarde's own. The preamble that follows is authentic. See Thorpe, vol. i. p. 442.

in the fourth year of his reign from all the shires,' or as we now call them, counties 'of England, in order that he might hear what were their laws and customs. Thereupon twelve men from each county came up and took an oath before the king, that to the best of their ability, conducting themselves uprightly and turning neither to the right nor left, they would lay before him their laws and customs without adding or diminishing aught.' The king, as I remarked, being importunately desired to restore the ancient laws, and desiring to know what they were, caused twelve men to be summoned from each county, and upon their statement to him on oath selected the laws which he was willing to renew. Among them was the one above cited granting perpetual recognition of the Scots as English citizens.

In English legal procedure it is particularly to be noticed, that if a practice has been once maintained against adverse legal opinion, that is, though it has been challenged in court, the bench pronounces in its favour. That being the case, Scotsmen are indisputably English citizens in the eye of the law. I will give an instance from the proceedings of the English Courts which bears on a point of much moment to ourselves.[1] In spite of forensic arguments a judgment by a judge on the bench is on record, to the effect that a Scotsman is an English citizen, and that the Scottish tongue is the common tongue of Englishmen. The circumstances of the case are as follows. A Scotsman was on his trial in the Court of King's Bench charged with rape on a girl of seven or under. The accused demanded as a foreigner the customary privilege of *dimidietas linguæ*, as it is called, in other words, that half the jury should be of his own tongue. When a foreigner is on his trial, the English have the excellent practice of empannelling half the jury or assize from foreigners or compatriots of the accused. The Scotsman claimed the privilege in this case, as being a Scotsman and born in Scotland. After consultation the judges of both courts disallowed the Scotsman's claim, and on the ground

A judicial sentence has pronounced the Scots citizens and natives of England.

fol. 131.

[1] Craig's illustration is taken from Sir James Dyer's *Novel Cases*, published in 1585.

that a Scotsman had always been held an Englishman and not an alien or foreigner in England, and that the Scottish tongue was not a foreign language but English pure and simple. The Scotsman was therefore tried as an Englishman by a jury of Englishmen. That a Scotsman is not accounted a foreigner in England therefore has the sanction of a judicial decision pronounced after reference by the judges of both Courts of King's Bench. The circumstances are noted in the Case-book of James Dyer for the Michaelmas term of the 13-14th year of Queen Elizabeth.

Now, surely it cannot be fair that in all that may profit our people we should be dealt with as foreigners, and yet be regarded as Englishmen when put on our trial in a court of law. The law teaches that a man liable to encounter the drawbacks of a situation is entitled to its privileges also. However, the question whether Scotland is within the realm of England, or, as the expression is, within the four seas, was keenly argued by John Stowell against George Lord Zouch in the Michaelmas term of the 4-5th year of Queen Elizabeth, as
fol. 132. Plowden reports in his *Commentaries*.[1] The question at issue was, whether a person in Scotland could be regarded as outside England. Arguments were advanced on both sides, but no decision was pronounced. Ranulf de Glanville also, in that part of his work which treats of essoins,[2] distinguishes between persons within and without the four seas, the latter being allowed forty days in which to answer their citation, and the former such latitude as the court might approve. It is plain, therefore, that by the common law of England (which we term practice) it has never been the custom to consider Scotland as a foreign country. And, as I have pointed out already, a Scotsman is not rated as a foreigner by the laws of Edward, the last king but one of the Anglo-Saxons, whose code the Conqueror confirmed. It follows that in our own right we Scotsmen may expect our king, as the heir and successor of Edward and the Conqueror, to maintain our sworn

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[1] Pp. 353-76 (ed. 1578).

[2] Essoins were allegations of an excuse for non-appearance in court at the appointed time.

privileges and civil rights, in his English kingdom, and see that those born before as well as those born after his accession to that English crown shall be treated as English citizens.

Another reason why the Scots should be accounted Englishmen.

Further, seeing that naturalisation was granted to Lord Kinloss in the last Parliament on the ground that the Bruces are descended from an English stock[1] (though admittedly his singular wisdom and services demanded even greater recognition on the part of England), what Scotsman of noble birth is there who cannot trace the origin of his house and family to an English source? I do not dwell on the reign of Ine, king of the West Saxons, in whose time Englishmen very generally took their wives from Scotland, and Scottish nobles almost universally were akin to English noble families.[2] I pass over also the statement in Bede, to which I have referred already, as to the English who found a refuge in Scotland and were given freely estates and maintenance. I draw attention *fol. 133.* to two periods in which many of the best English families came to Scotland, and preferred to remain there, though they might easily have returned to England had they wished to do so. In Scotland they were lavishly granted landed estates, and founded noble houses even more distinguished than those from which they themselves were descended. The first of these periods was after the Conqueror had won England, and with the utmost cruelty was stripping the English of their goods and patrimony, claiming all for himself as the prize of war, and distributing the plunder among his Normans. The English thus denuded of their property fled to Malcolm, at that time King of Scotland, who received them with sympathy and kindness. For that reason Malcolm drew on himself the anger of the Conqueror,[3] who invaded Scotland with a very large army of Normans and English to avenge his wrongs, as he counted them. Malcolm met him with a firm resolution to stand by those who had placed their reliance on him.

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[1] The bill to naturalise Sir Edward Bruce, Lord Kinloss, was introduced into the House of Lords on March 29, 1604, and returned approved from the Commons on the following May 19.

[2] Craig here relies on the alleged law of Edward the Confessor. See above, p. 341.

[3] Craig has already detailed these circumstances.

The two armies were on the point of battle, when, on the intervention of the bishops, and particularly of the bishop of Carlyle, peace was agreed to; Malcolm recognising the Conqueror, King of England, as his overlord in respect of the counties of Northumberland, Cumberland, and Westmorland, which the Scottish king had been accustomed to hold as the beneficiary of the English king. To this Malcolm felt justified in consenting, since it was obviously for the English rather than himself to contest the Conqueror's right to the English kingdom. On his side the Conqueror undertook, and otherwise peace could not possibly have been made, that the English who had fled to Scotland should receive pardon and restitution of their property at his hands. Yet, though these were the conditions of peace, their historians testify that the English preferred to remain with Malcolm rather than to recognise the Conqueror, even though the restitution of their property was the bribe.

Matthew Paris, Malmesbury, Hoveden, and several others. *fol. 134.*

Malcolm dealt generously with the exiles and conferred on them large estates. In consequence they founded some of our most distinguished families, of whom the following are particularly remarkable: Lindsay, Bass, Ramsay, Lovell, Preston, Sandilands, Soulis, Maxwell, Wardlaw, Lockhart; and at a later period, Montgomery, Colville, Collinham or Cunningham, Quincy (who also were Earls of Winchester), Ross, Baliol, Bruce, Bissett, Straton, Barclay, Knollys, and Lyle. Even the royal house of Stewart was of Welsh origin; for Walter, its founder, was through his mother the grandson of a Welsh king.[1] It is patent therefore that Malcolm exhibited the utmost consideration and kindness towards those who came to him as fugitives, and also in exposing himself and his kingdom to danger on their behalf. Now, if Scotland at that time was such a country as the English nowadays imagine it, or as Doleman[2] and Christopher

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[1] See Crawfurd's *Genealogical History of the Stewarts* (1710), and Lesley's *History*.

[2] Doleman (Robert Parsons, the Jesuit) published in 1594 his *Conference about the next Succession to the Crowne of Ingland*, to which Craig, supporting James's claims impugned by Doleman, replied in a treatise published posthumously in 1703.

Pigott[1] picture—in the last session of Parliament it was shamelessly asserted in the House of Commons that Scotland is the most barren and sterile of all countries—those Englishmen would never have preferred it to their old home when they were at liberty to return thither.

The second period was in the reign of Robert Bruce, when so many bloody battles were fought and so many lives were lost by Englishmen and Scotsmen over that accursed claim to homage. In the course of the war many brave men fell, whose daughters (their heirs-at-law) the king gave in marriage to the Englishmen whom Edward II. had driven into exile in order to remove the shame of defeat from his own shoulders to theirs.[2] In this way other families of English origin were founded, which to this day are held in high honour among us. And besides these, though the period of their coming is not certain, the following noble families are certainly of English origin: Brown, Mowbray, Colville, *fol. 135.* Gray, Hewat (?), Chene or Cheyne, Hall, Ormiston, Simmer, Vaus.[3] There are some who add the Gordons and the Campbells, two very famous Scottish houses. I am doubtful what opinion to express on a vexed question, though I am aware that many Gordons and Campbells are to be met with in the English chronicles. There are in fact in England and Scotland many families of the same name, and the conclusion is obvious, either that ours are of English origin or theirs of Scottish descent.

On what ground, therefore, can privileges which Parliament has extended to one man[4] on the score of his English descent be withheld from the whole nation, seeing that the greater part of it is of identical origin? Those whom the Romans sent out into their colonies were not disqualified from the privileges of Roman citizenship, neither themselves nor their

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[1] Sir Christopher Pigott was on February 16, 1607, committed to the Tower and expelled the House. His offence was the delivery of a speech in the Commons on February 13, containing 'by-matter of invective against the Scotts and Scottish nation' (*Commons Journal*, vol. i. pp. 333, 335).

[2] Craig refers to, but misunderstands, the Disinherited in 1332.

[3] See Craig's *Right of Succession*, p. 430.

[4] Craig refers to the naturalisation of Sir Edward Bruce. See above, p. 349.

children, but were counted as Roman citizens in the obligations which rested upon them in time of war and of peace, and shared public privileges also. And if the privileges of naturalisation, as they call it, are purchasable and open to one who is prepared to pay for them, why not equally so to the meritorious and deserving, to those whose services have placed the state under a lasting obligation? If the law of our neighbours recognises the claims of natural justice and public services, Scotsmen ought to be recognised as English citizens on equal terms, unless the individual prove himself unworthy. There ought also to be equal access to all honours, dignities, and public posts. Though in the famous agreement already referred to[1] we may be accused of having surrendered somewhat of our right (and that by the moderating influence of our wise and excellent king), yet it has been left to him to reward and to employ Scotsmen no less than Englishmen; it being the recognised prerogative of the
fol. 136. king to exercise the patronage of magistracies and dignities.

Tacitus has truly remarked[2] of Rome: 'plerosque populos eodem die hostes dein cives habuerit.' For example, though she fought with varying success against the Latins, waged war with the Samnites for fifty years, suffered a siege at the hands of the Gauls, and gave hostages to the Tuscans, yet afterwards she conferred her citizenship on all these peoples and was careful to appoint magistrates and senators from among them. Nor were they after their admission one whit behind the Romans in attachment to their new country. Now if we look back upon our past history, we find that the Scots loyally supported the English against the Danes and Norwegians, and for their valour were rewarded with the gift of Northumberland to the Tyne, Cumberland, and Westmorland.[3] Later English kings, among them Henry II., could not reconcile it with their interests to leave those counties in our hands, and therefore tried to recover them. We on our part took arms to maintain them, and a long period of

[1] *i.e.* the Articles of Union of 1604.

[2] *Annals*, lib. xi. cap. 24.

[3] On this and the historical examples which follow Craig has dwelt already.

hostility, though few battles, resulted. The Scots also sent aid against Simon de Montfort and the English barons, and against the Welsh. But on the death of Alexander III. and the failure of his issue, Edward I. seized an opportunity such as had never occurred before, attempted the subjugation of the Scots, who to that point had been on the most friendly terms with him, and invaded our country to the dire misfortune of both nations. The Scots were beaten; for they had neither king nor general; the twelve competitors for the throne each had his following, and some supported the English. The war was continued into the reigns of his son Edward II. and of Edward III., and the result of it was that the Scots were left under their own kings, independent and owning no superior, though they lost Northumberland, *fol. 137.*
Cumberland, and Westmorland. So long as the Scottish king had held them as the vassal of the English crown he never attacked England, nor did he ever take up arms on behalf of the French. And as I have remarked already, the English kings would have shown greater wisdom if they had left those three counties in our possession on feudal tenure, and would have been spared the loss of Normandy, Aquitaine, and other over-sea possessions, if the King of Scots had remained their vassal for them. He would as surely have remained the loyal vassal of his superior as there is no evidence that he had ever been otherwise so long as he held them. The bitterest enemies of Scotland and of the present proposed union cannot find proof to the contrary. Therefore let us regard with awe the censure and judgment of the Almighty upon human actions; for just as the English took those counties from the Scots, so they in the same century lost Normandy, Aquitaine, Anjou, and the other over-sea territories which they held as vassals of the French crown.

But, as I have remarked, we can criticise the past, yet cannot alter it. At the same time the past points a most useful lesson to both countries, warning them henceforward to avoid dissension, and to strive with all their might to make the British realm the home of a large and, as history tells, a brave nation, closely knit in mutual goodwill and friendship. So will it enjoy undisturbed peace for the future and be formidable to and respected by its neighbours.

fol. 138.

CHAPTER VIII

Of the origin of the Scottish nation and their distinction and eminence in the domain of letters and of war.

Though I fain would escape the duty, I am compelled to engage my pen in the service of our national eminence, lest we should seem altogether unworthy of union with so renowned a people as the English; though, if I may say so without offence to them, never throughout the centuries have we proved their inferiors in war. Reluctant as I am to follow such side-issues, or to be drawn aside by irrelevancies, still the English historians, and particularly William of Newbury, Holinshed, and others of repute, have aspersed the Scots as uncivilised, wild, and barbarous, strangers to the humanities and the study of them. We are therefore justified in employing our own weapons to repel these charges, lest our silence should appear to support them.

So long as the two countries were enemies, nothing that was Scottish ever found favour with our neighbours and their historians. The latter must not be too implicitly believed; though, being monks, inert and idle, ignorant of what was going on round them, their ears and pens receptive of rumour rather than truth, some excuse may be urged in their behalf. When I was in London as one of the Commissioners at the recent Conference, I had a good deal of conversation with Englishmen on the association or incorporation of the two peoples in a single state. They frequently expressed themselves in a manner depreciatory of Scotland, and were frankly *fol. 139.* indignant that our countrymen should have equality in honours and employment, their own reputation and resources being so much the greater. I contended, however, that union must either be founded on equality in everything, honours, dignities, official and general employments, as Edward VI.'s rescript[1] promised, or it could not be expected to last for long. I adduced also from Polybius[2] the example of the Peloponnesians,

[1] See above, p. 256.

[2] See above, p. 284.

all of whom assumed the name and adopted the polity of the Achæans, though the latter were inferior to most of the Peloponnesians in resources and reputation. For, as Polybius remarks, a permanent union of peoples is impossible unless politically they are one, and unless privileges are impartially open to and conferred upon all. The most effective bond, as Cicero remarks in his treatise 'On Friendship,' is that the superior should not set himself above the inferior, nor place himself above those of less exalted rank; but that in the event of his having neighbours of lesser fortune than himself he should strive to promote them in honour, wealth, and dignity. By such methods, says Cicero, the superior, abating his claim to superiority, will raise his inferior to a platform of common friendship; it being most desirable that friendship should be based on equality, seeing that from the cradle to the goal of life it is with our equals that the race is run. Cicero 'On Friendship.'

As to myself, I have always held the opinion that nothing is more natural, or more proper in good fortune and in bad, than that our two peoples should be welded into one. Natives, as we are, of the same island, nature herself seems to have disposed us towards comity and friendship, and almost to have made it a matter of instinct to have the same preferences and aversions. The remark of Diogenes is well known, wherein he defines friendship as the manifestation of a single mind in two bodies.[1] If, as is our duty, we desire to follow the dictates of nature, we ought for the future to abandon mutual rancour *fol. 140.* and discord and devote ourselves to the welfare of both countries. And if this union is to be formed and be permanent, any disposition on the part of the richer to despise and look down upon the poorer partner must be avoided. Ours is a nation which cannot tolerate contempt. On that very ground we took immediate offence when the English objected that the union would attach them to a people weaker and poorer than themselves, in an alliance whose drawbacks were more patent than its advantages. For, as Sallust

[1] Aristotle's definition of friendship, given by Diogenes, *Laert.* v. 20: *μία ψυχὴ δύο σώμασιν ἐνοικοῦσα.*

remarks,[1] 'Nemo enim alteri imperium volens concedit: et quamvis bonus atque clemens sit, qui plus potest; tamen quia malo esse licet, formidatur.' Scotland's misgivings on this point will not be easily met in the proposed union. When I was in England I was told by a lawyer, a man of some importance in his own opinion, that although no English king had ever thought of conquering Scotland, yet that achievement might have been easily accomplished if England, with her superior power and resources, had set her mind upon it. He added, that there were no educated men in Scotland and no Universities, nor any laws other than those which had been borrowed from England and in the transfer had lost their original purity. But such statements are as nothing by the side of Christopher Pigott's recent outburst.[2] He did not scruple to declare in Parliament that Scotland is the barrenest country in the world; that Scotsmen are the most perfidious and barbarous of all nations, devoid of an altar of faith, as the saying is, not to be tolerated in the courts of kings, and of a bloodthirsty and treacherous disposition; that the only possible relation between the two countries would be that of judge and thief, the one decreeing, the other undergoing the penalty; and that in public representations of comedy a Scotsman is always treated as a fitting subject of ridicule—a statement which is false. But, and this is quite beyond the bounds of patience, at a public meeting which ought rather to have promoted the cause of common fellowship and good-will, our countrymen were libelled in a wild and virulent sermon at St. Paul's by one D. Robinson, a preacher of God's word, as a people poor, lying, and prone to all manner of treachery.[3] Prejudice or ignorance seems so to blind even those who no doubt regard themselves as well informed, that the fair-minded reader will permit me, I am sure, to dwell on the origin and dignity of the nation into which I was born, in order to dissipate the mists which still
fol. 141 enwrap our neighbours, and to expel the more serious errors by which their minds are possessed.

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[1] Ep. 1. *Ad Cæsarem*, ed. Delphin, vol. i. p. 340.

[2] See above, p. 351.

[3] The sermon is not extant.

Nothing, I think, is more calculated to hinder the union which the two nations desire than the disposition to regard Scotsmen slightingly, and, though they are admittedly possessed of fewer material resources, to refuse them equality with Englishmen in the antiquity of their country, in their learning, and in their exploits at home and abroad. Recourse to arms is sometimes inevitable, and is justifiable when peace is procurable by no other means. Our neighbours should therefore remember that the union of the two countries, or the accession of Scotland to England, will bring them a distinct increase both of power and dignity, though they may affect to despise and belittle resources inferior to their own. However inferior we may be in material resources, Scotsmen can throw into the scale other qualities, the antiquity of their nation, for instance, an untarnished record of independence, and unchallenged renown. As to riches, the want of them, as Tacitus remarks,[1] may be either reward or punishment from heaven, seeing that they encourage vice of every kind and are exposed to the rapacity of every enemy, while poverty is productive of virtue, represses cupidity, and invites no enemy to interfere. Further, as the English historian Bede remarks,[2] speaking of the Britons, overmuch wealth is apt to induce luxury and to bring in its train all manner of crime.

Bk. i. chap. 14, On the origin of the Scots.

What our own Boece, following Veremundus,[3] says about the origin of the Scots I regard as pure romance, as I also hold Brutus, the mythical ancestor of Britain's inhabitants. Boece, however, was not the originator of the fable, which is found in the pages of Huntingdon,[4] an English historian who lived four centuries before Boece. Huntingdon gives the story at the beginning of his history as having the sanction of ancient authority, though he gives no names. Every nation indeed is in the habit of ascribing its origin either to the

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[1] *Germania*, cap. 5. His words are 'Argentum et aurum propitiine an irati di negaverint dubito.'

[2] *Ecclesiastical History*, Bk. i. chap. 14.

[3] For Veremundus, see Skene's *Chronicles of the Picts and Scots*, vol. ii. pp. 375, 396, and Irving's *Scotish Writers*, vol. i. p. 6.

[4] Henry of Huntingdon died in 1155. His *Historia Anglorum* narrates the history of England to the end of the reign of Stephen. For the Brutus legend, see above, p. 209.

Trojans, or to the Greeks, or to the gods themselves. Before the time of Theseus, as Plutarch says,[1] history was wrapped in impenetrable obscurity. For myself, I hold to the opinion, *fol. 142.* which is shared by Henry of Huntingdon, that it was from Spain (a country scourged beyond others by war and dynastic upheavals) that the Iberians passed over to Ireland to find peace and safe refuge from the storms of war. Buchanan, a man of wide renown, attempts to prove this by many arguments, and I refer the reader to the Preface to his History of Scotland. The fact is certain, however, that the Scots crossed from Ireland into Britain and were the first to establish themselves there without dispossessing any one. Isidorus, who wrote a thousand years ago, says that the whole of Ireland was once called Scotia.[2] Bede, Henry of Huntingdon, and the more authoritative of the English historians, all declare that Ireland was the original seat and home of the Scots, and the following lines of Claudian[3] support the conclusion :—

The origin of Scots according to English writers.

> 'Me quoque vicinis pereuntem gentibus,' inquit,
> 'Munivit Stilicho, totam cum Scottus Hivernen
> Movit et infesto spumavit remige Tethys.'

The passage shows that the Scots engaged the whole of the resources of Ireland in an effort to make themselves masters of Britain, or, as our writers have it, to free Britain from the Roman yoke. Claudian has the following line also : '[4]—

> Scottorum cumulos flevit glacialis Hiverne.

Why should Ireland weep over the death and slaughter of the Scots unless they were her own children?

It seems exceedingly probable that the Scots passed over to the Hebrides or Ebudae and the mainland of Britain, attracted thither by the fertility of the soil and the amenity of the climate, a fact upon which all British historians are agreed. Whether this happened before the birth of our

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1 *Theseus*, ed. Bohn, vol. i. p. 1.
2 Isidorus Hispalensis, *Origines* (ed. 1579), p. 343.
3 *Carm.* XXII. 250-2. I print the lines as they appear in Teubner's edition.
4 *Carm.* VIII. 33.

Saviour is a point upon which ourselves and our neighbours are at variance. The English maintain that the name Scot was never known before the time of Honorius and Arcadius, and certainly not before the time of Valentinian.[1] *fol. 143.* Camden himself, who has examined the antiquities and monuments of Britain, supposes that the Scots made their appearance somewhat later than the time of Constantine the Great, when the Roman Empire was the unhappy prey of savage and barbarous races.[2] But by the Westminster historian,[3] an English writer held in great renown, the settlement of the Scots in Britain is ascribed to a period anterior to the time of Honorius and Arcadius. He gives the year 77 A.D. as the date of their coming. Claudian supports such a chronology, both in the lines already quoted, and in the following:[4]

The date of the arrival of the Scots in Britain.

> Quoque magis nimium pugnæ inflammaret amorem
> Facta tui numerabat avi, quem litus adustae
> Horrescit Libyæ ratibusque impervia Thyle:
> Ille leves Mauros nec falso nomine Pictos
> Edomuit Scottumque vago mucrone secutus
> Fregit Hyperboreas remis audacibus undas.

He states that the father of Theodosius, grandfather of Honorius and Arcadius, conquered the Scots and Picts who were then dwelling in Britain. That must have happened many years, perhaps seventy or eighty, before the time of his grandchildren, for Theodosius himself was over sixty when he died.[5] But Epiphanius,[6] a most accurate author, mentioning the races descended from Japhet, speaks of the Scots of Britain at a period anterior to Theodosius. True this writer was of a later period than Constantine, and lived some sixty years

Liber Ancoratus.

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[1] The first recorded appearance of the Scots in Britain was early in the second half of the fourth century of our era, closely contemporary with the reign of Valentinian.

[2] *Britannia* (ed. 1610), p. 124.

[3] Ed. 1601, p. 55.

[4] *Carm.* VII. 51-6. I give the lines as in Teubner.

[5] Theodosius died in 395, and was succeeded in the West and East of the Empire by his sons Honorius and Arcadius.

[6] *Sancti Epiphanii episcopi Constantiae Cypri liber ancoratus*, ed. 1612, p. 1023.

after him. But as he was a Jew, born in Palestine, it is most improbable that information about the Scots should have reached him from so great a distance over land and sea had they been unknown and inconspicuous, and not already of some standing and reputation. In his list of races Epiphanius places the Scots even before the Spaniards, and states that Britain was their island and their home. If the passage is read without a comma, then Epiphanius clearly distinguishes the British from the Irish Scots. But if the comma is retained, the Scots are obviously included among the British people.[1]

fol. 144. Hegesippus, whom we know from ecclesiastical history to have lived in the time of Hadrian (that is, two hundred and ten years, more or less, before Constantine the Great), in his history of the destruction of the Jews, puts into the mouth of Josephus the following speech[2] counselling his countrymen to surrender to the Romans: 'Quis vobis cum victoribus universæ terræ, quibus secreta oceani et extrema Indiæ parent? Quid attexam Britannias interfuso mari toto orbe divisas, et a Romanis in orbem terrarum redactas? Tremit hos Scotia, quæ terris nihil debet; tremit Saxonia inacessa paludibus, et inviis septa regionibus.' The authority of Hegesippus, however, is questioned by Camden and others, and on the sole ground that he speaks of Constantinople, a city which at that time was known as Byzantium. How, the critics ask, can Constantinople be named at a time, two centuries after the fall of Jerusalem, when Constantinople did not exist, or went under another name? The answer is simple: Hegesippus wrote his narrative in Greek, and it was subsequently translated into Latin. Is it surprising that the Latin translator of a later period should write Constantinople instead of Byzantium? The Greek text of Hegesippus is no longer extant owing to the ravages of time, and the Latin version is all that we possess. But the reliability of his Latin translator entirely rehabilitates Hegesippus. He is

[1] The text of Epiphanius to which Craig refers runs, 'Brettanici, Scoti, Hispani' in the edition of 1612.

[2] *De Excidio Hierosolymitanæ*, cap. xv. Craig has condensed the original passage. I give it in full above.

identified as St. Ambrose, Bishop of Milan, a contemporary of Theodosius. When I pointed this out to Camden, he merely remarked with his usual caution, that the style of the translation differed a good deal from that of Ambrose. But that is not a vital objection; since a translator, bound by recognised rules in his work, will necessarily employ a different style to that which he would use if he had no such rules to think about, and could express his own ideas in his own way. The authority of Hegesippus is therefore not impaired by Camden's criticism. And after all, if the authority of Hegesippus is so doubtful, how comes it that he is so frequently translated into English? How is it that learned men find it an honourable task to translate him? But the *fol. 145.* clearest proof of Hegesippus's accuracy is the statement of Josephus Ben Gorion to the effect, that when Nero was perturbed by the Persian revolt which followed so closely on that of the Jews, Vespasian, who was one of his generals, endeavoured to reassure him by pointing out that from Togarma (which we call Germany) he had conquered the whole earth as far as Scotland, and that the Jews were far less formidable than the races he had subdued for Nero. The words of Josephus are as follows:[1] 'And he told him that he had smitten all the land of the West, and Scotia and Ashkenaz, and all the land of Jubal.' Munster, in his translation of Josephus, has done us a considerable injustice by introducing, or rather substituting, the word 'Britannia' for 'Scotia,' as the word is in the Hebrew text.[2] I pointed out this passage to the learned Bishop of Durham,[3] who expressed considerable surprise, and after carefully collating the Hebrew text with the translation, frankly admitted that Sebastian Munster had done our nation great injustice, declaring that he had never imagined that we had such unimpeachable evidence of the antiquity of our people.

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[1] The passage will be found on p. 206 of the 1559 edition of Munster's translation of Josephus. It runs: 'Totam terram occidentalem, Germaniam, Britanniam, et totam terram Hesperiæ, et universam terram Togarma.'

[2] Camden was impressed by Craig's comment on Munster. See his *Britannia* (ed. 1610), p. 125. He calls Craig 'a right famous and learned man.'

[3] Tobias Matthew, afterwards Archbishop of York.

But to place the matter beyond the range of doubt, I adduce the evidence of Bede, the earliest English or Anglo-Saxon writer on British history. Though he does not precisely indicate the period at which the Scots arrived in Britain, yet in his *Ecclesiastical History* he implies that that event took place before the expedition of Julius Cæsar.[1]
fol. 14b. And later, describing the harassing of Britain by the Scots and Picts, 'transmarine races,' he adds (lest the word 'transmarine' should convey a wrong impression) that they are so-called not because they dwelt outside Britain, but because they were separated from that part of the island where the Britons dwelt by two opposite arms of the sea, one on the east, and the other on the west, making deep indentures in the land, but not actually meeting.[2] Tacitius [3] and Ptolemy[4] call them the estuaries of Clota and Bodotria, the latter of which, slightly changed, survives in the form 'Forth.'

That the Caledonians and the Scots were identical is clear both on the evidence of Tacitus and of Ptolemy; for the former places them on the further shore of the Forth,[5] while Ptolemy attaches them to the northern part of Britain,[6] and both writers locate them near Mons Grampius.[7] Indeed the old name is still found in the remains of the Caledonian Forest in the neighbourhood of the Forth. Now, if the Caledonians were Scots, as must be the case,[8] they inhabited Britain in the time of the Dictator and during the Roman period. Florus declares that the Dictator pursued the Britons into the Caledonian Forests;[9] Pliny states that the Romans did not extend their conquest beyond the confines of the Caledonian Forest,[10] while Solinus mentions the 'angulus Caledonicus' and Caledonia.[11] Ptolemy, Tacitus, and Pliny locate the Caledonians near the Grampians on the

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[1] Bk. i. chap. 1.
[2] *Ibid.*, Bk. i. chap. 12.
[3] *Agricola*, cap. 22, 25.
[4] *Geography*, Bk. ii. chap. 2.
[5] *Agricola*, cap. 22.
[6] *Geography*, Bk. ii. chap. 2.
[7] It is now accepted that the correct form is Mons Graupius.
[8] Craig's error here is natural, since he upposed the Scots to be the first inhabitants of Caledonia.
[9] *Rerum a Romanis gestarum libri*, p. 79 (ed. 1600).
[10] *Nat. Hist.*, lib. iv. cap. 102.
[11] *Polyhistor.*, cap. 22. (ed. 1794).

north-west of northern Britain, while Gildas[1] and Bede[2] state that the Caledonians invaded south Britain from the region of the north-west wind. Clearly, therefore, the statements made by Cæsar, Florus, Martial, and others, regarding the Caledonians, must be held to apply to the Scots, who to this day inhabit what was once called Caledonia. There still remain traces (though time has slightly changed the name) of the existence of the Caledonian Forest; and the name Duncaledon or Dunkeld, *i.e.* Dun Caledoniæ, is still borne by a town in that region. *fol. 147.*

I do not propose to dwell on the learned Joseph Scaliger's emendation of the lines upon the death of Claudius. I refer to his restoration of 'Scoto-Brigantes' as the correct reading.[3] No one could fail to detect a textual error in 'Pictos Scuta Brigantes,' and it was pointed out, before Scaliger, by the learned Adrian Junior, who, however, emended the passage less happily. For 'Pictos Scuta Brigantes' he suggested 'Cute Brigantes,' a reading adopted by Camden.[4] If an ancient text is known to be corrupt in parts, it is always permissible to emend it by conjecturing the author's probable meaning. There is undoubtedly a passage in Suetonius Tranquillus which needs correction, namely, where his reference to the Scythians should be understood as applying to the Scots.[5] There are also the lines of the poet Florus on the Emperor Hadrian:[6]—

Ego nolo Cæsar esse
Ambulare per Britannos
Scythicas pati pruinas.

Here again, unless I am much mistaken, 'Scoticas' should be read for 'Scythicas,' thus:—

Ambulare per Britannos
Scoticas pati pruinas.

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[1] *De Excidio Britanniæ*, sec. xiv. (ed. Bohn).

[2] Bk. i. chap. 12.

[3] *Tibullus* (ed. Scaliger, 1577), p. 159.

[4] *Britannia*, p. 125.

[5] *Octav. Augustus*, cap. 21.: 'Indos etiam ac Scythas, auditu modo cognitos, pellexit ad amicitiam suam populique Romani ultro per legatos petendam.'

[6] These, the only known lines of Florus, are preserved in Spartianus's *Hadrian*, cap. 16.

For, besides the fact that the iambic dimeter acatalectic rarely admits two short syllables in the first foot, the Emperor Hadrian never entered Scythia, was never anywhere near it, nor ever crossed the Danube.[1] On the other hand his legions were in Britain for a long time and subdued several tribes. And owing to the untameable disposition of the peoples beyond the Tweed, whom neither troops nor forts could restrain, he built the huge and famous stone wall on the frontier of Britain at great expense and labour (for it was

fol. 148. not accomplished in one year or even two), in order to protect the province from the incursions of the Picts and Scots. In my opinion, therefore, 'Scoticas' should be read for 'Scythicas'; but I leave it to the impartial reader to exercise his own judgment. However, the frequency and the ease with which 'Scythian' has been substituted for 'Scotsman' will be shown presently in a passage from St. Jerome.

The two divisions of the Picts: Dicalidonæ and Vecturiones.

Ammianus states that the Picts were divided into two tribes, the Dicalidonæ and Vecturiones, and that the Scots included both Attacotti and Scotti (savage tribes he calls them[2]). He describes them as having laid Britain waste by their marauding inroads in the tenth consulate of Constantius Cæsar and third of Julian, in the year 360 A.D., and throughout the reign of Constantine. Now these emperors reigned about the year of our Lord above mentioned. But it is worth noting that Ammianus says that the frontiers of the province were devastated by the savage Picts and Scots while Constantius and Julian ruled Britain, from which it must be inferred, unless I am much mistaken, that the Picts and Scots had long been inhabitants of the island, though separated from the Britons by a line of demarcation. For how could they devastate the lands of the Britons on the other side of the frontier unless they were neighbours of those whom they harassed? It must also be remembered that old writers use the word Britain to describe merely that part of the island bounded by the Roman Wall, and that Gildas

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[1] Hadrian was in Thrace in 125.

[2] Lib. xxvii. cap. 8.: 'Eo tempore Picti in duas gentes divisi, Dicalidonas et Vecturiones, itidemque Attacotti bellicosa hominum natio, et Scotti, per diversa vagantes multa populabantur.

and Bede frequently adopt that meaning, as Buchanan remarks. Nor must I fail to point out that whereas Marcellinus divides the Picts into Dicalidonæ and Vecturiones, most people read 'Duncalidonii' for 'Dicalidonæ,' and I have been told that that reading is found in a copy of Ammianus in the library of St. Mark's, Venice.

The Dicalidonæ are not mentioned by any other writer, and, if that is so, must have been Scots;[1] though it is not strange that Marcellinus should have fallen into an error in *fol. 149.* writing of a foreign country. As to the Attacotti whom he mentions, though he distinguishes them from the Scots, yet I think that they were simply the first Scots who arrived in the island. Their name is very closely akin to Scot. For Ammianus wrote in Greek, a language in which the double *ταυ* and the double *σιγμα* are by Attic usage interchangeable. Hence the words Assacotti and Attacotti are identical, and the modern French spelling confirms the inference. Again, just as Marcellinus and other writers of recognised authority used both forms, Dicalidonæ and Caledonii, so we have Attagotsi and Gothi, and in Spain Attallans or Cattallans. Regarding the prefix 'Atta' a good deal might be said, whether it is derived from ἅτε, which signifies 'as if,' or from ἅττα, which signifies 'certain' or 'some,' and is often otiose in spoken Greek. 'Attegare' is found for '*integrare*' in Festus.[2] Again 'Arab' by contraction became 'Arb,' and eventually 'Alarb.' There is no doubt, however, that the Attacotti lived in that part of Britain now inhabited by the Scots. Our historian Boece states[3] that the Brigantes and Silures were Scots, that the island of Mona, the ancient abode of the Druids, belonged to the Scots and formed part of Scotland, and identified it with the Isle of Man rather than Anglesey off the Welsh coast as Llwyd supposed.[4] For this

The locality of the island Mona.

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[1] Craig means, that as the Dicalidonæ are not mentioned by other writers, they are not likely to have been different from the main race inhabiting Caledonia, who, as he supposes, were Scots.

[2] Sextus Pompeius Festus, *De verborum significatione*, 1532.

[3] *Cosmographie*, ed. Bellenden, chap. 6.

[4] Humphrey Llwyd, *The Historie of Cambria*, p. 7.

Boece has been unjustly assailed by Llwyd and Leland[1] in verse and epigram, since his opinion is supported by many weighty authors. For Cæsar, whom Tacitus rightly calls the prince of historians,[2] places Mona midway between Ireland and Britain,[3] and it is exceedingly unlikely that he could be *fol. 150.* mistaken, seeing that he spared neither trouble nor expense to find out the origin and peculiarities of the people whom he was the first to subdue. Indeed could any one describe Anglesey as situated in the passage between Ireland and Britain, or even as an island, seeing that it is approachable by a ford, as Tacitus says.[4] It is a chersonese or peninsula rather than an island, and it would be ridiculous to describe it as in the passage between Ireland and England when it can be reached by a ford from the latter. I do not like to disagree with Tacitus, whom Llwyd quotes in his support, or to fight against the gods, as it were, and therefore I advance the suggestion that in ancient times Anglesey may have been known as Mona. But it was not the place described by Cæsar as the seat of the Druids, even though Man or Monavia and Anglesey had the same name. For Paulus Orosius[5] says that the real Mona was not far from Ireland, and that being of some size, and having a good soil, it was occupied, like Ireland, by the Scots. Let Llwyd and Leland evade these formidable authorities if they can; or rather let them consult the recent statements of Welsh writers themselves, who are entirely agreed that the ancient Mona is the modern Man.

Apart from Joseph Scaliger's obvious emendation 'Scoto-Brigantes,' it is clear from Orosius that the Brigantes were Scots. He states that the Brigantes in Ireland, which was originally called Scotland, were sprung from the Brigantes of

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[1] Craig refers to the following well-known lines of Leland (*Collectanea*, vol. v. p. 126):—

> 'Hectoris historici tot quot mendacia scripsit
> Si vis ut numerem, lector amice, tibi,
> Me jubeas etiam fluctus numerare marinos
> Et liquidi stellas connumerare poli.'

[2] *Germania*, cap. 28.

[3] Lib. v. cap. 13.

[4] *Annal.*, lib. xiv. cap. 29.

[5] Ed. 1576, fol. v.

Gaul; that Ireland, though smaller than Britain, was more fertile and of a better climate, and was inhabited by the Scots; and that the island Monavia, being close at hand and of considerable fertility, was also taken possession of by them. This statement, having regard also to the Gaulish origin of the Brigantes, proves Monavia and Mona to be one and the same, close to Ireland, and inhabited by the Scots. Now, other than Man, what island is there close to Ireland, inhabited by the Scots, and of an agreeable climate and good soil? We have it also on the authority of Pliny that the Silures were a Scottish people settled either in Galloway or Argyll. 'Britannia,' he writes,[1] 'insula clara Græcis nostrisque monumentis inter septentrionem et occidentem jacet, Germaniæ, Galliæ, Hispaniæ, multo maximis Europæ partibus magno intervallo adverso. Albion ipsi nomen fuit, cum Britanniæ vocarentur omnes, de quibus mox paulo dicemus.' Pliny adds: 'Triginta prope jam annis notitiam ejus Romanis armis non ultra vicinitatem silvæ Caledoniæ propagantibus.' The words 'non ultra vicinitatem silvae Caledoniæ' should be noted, for they are confirmed by the passage of Ammianus Marcellinus quoted above, to the effect that Britain was cut off by a boundary from the neighbouring Picts and Scots, and that the Caledonian woods formed the frontier. Pliny is also confirmed by a statement of Jerome to be noticed presently. Agrippa supposed the length of the island to be eight hundred miles, and its breadth three hundred and sixty. Beyond it lay Ireland, he says, separated by a short passage of no more than twenty miles from the territory of the Silures. It was from Ireland, he states, that a part of Britain not more than twenty miles distant was occupied by the Silures. If we examine the coasts of Ireland and Britain, we find that the region nearest to Ireland is either Galloway or the district known as Kintyre or the Headland of Mull, both of which are distant six hours' sail from Ireland. On the other hand, there is no place in south Britain, not even Cumberland, which is less than one hundred miles from the Irish coast. And this agrees with the statement

fol. 151.

[1] *Nat. Hist.*, lib. iv. cap. 16. I have adjusted Craig's version.

of Julius Solinus,[1] who writes: 'Mare quod Hiberniam et Britanniam interluit, undosum inquietumque toto in anno'; and again, 'Silurum quoque insulam ab ora, quam gens
fol. 152. Britanna Dumnonii tenent, turbidum fretum distinguit.' With these passages before them, I leave it to instructed persons to judge what authority our Boece had for his association of the Brigantes, Silures, and Man with Scotland. Llwyd and Leland would have been better advised to keep within the bounds of decency, and not to have lampooned a learned author whose like as a historian the English cannot match. That, however, is the almost invariable fault of English writers, who care little what they say if there is a chance of speaking ill of the Scots. Nor is the fact surprising, since all the writers of that period were monks, a class invariably alien to considerations of truth and fairness. And never did a commodity have so great a vogue as their intemperate language, the belief being that animosity towards Scotland would go on for ever. But it behoves us always to regard an enemy as a man who may some day become a friend. Our own writers have not offended in the same way, and, so far as I know, not one of them has ever written a word in detraction of the English people or their renown.

But we are discussing the origin and antiquity of the Scots. That their origin preceded the time of Constantine, and that they were settled in Britain before that period, is clear from a statement of Jerome, who declares that when he was a youth in Gaul he saw the Scots, a British race, eating human flesh.[2] According to Erasmus, Jerome was born in 330 A.D., towards the end of the reign of Constantine, and as he himself says that he was a youth when he saw these British Scots, it is clear that they must have been settled in Britain long before that. I may return to Jerome's statement later.

In the migration of the Scots from Ireland to Alban there is no evidence of any violence, inhumanity, or crime having been commited by them. They did no more than occupy a neighbouring land till then barely populated, without force,

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[1] *Polyhistor.*, cap. 22 (ed. 1794).

[2] *Adversus Jovinianum*, ed. Migne, vol. ii. p. 296.

breach of faith, or damage to any, and erected a kingdom which owed neither its culture nor its prowess in war to its neighbours. Hence I hold that there is no kingdom in Europe or in any other part of the habitable world that can vie with Scotland in antiquity. Truly says the Psalmist (Psalm lv.): 'Impious, bloody, and deceitful men shall not live out half their days,' and it is as true of kingdoms as of kings. *fol. 153.*

The migration of the Scots into Britain took place before the time of the Dictator Cæsar, as is clear from the evidence already displayed. It is stated that they were wild and uncivilised, as Marcellinus describes them; that they were held barbarous and uncouth by their contemporaries, and respected nothing human or divine, not even public oaths, the cement of human society. There are some who hold that even now we fall far short of the culture of the English. Such a statement, I retort, has its origin in the flickering embers of an ancient enmity such as the Romans and Carthaginians kept up. Uncivilised and barbarous as the Scots may have been, it was among them, if anywhere, that learning and Christianity took root, and did so in spite of the English. For at a time when learning had declined and was abandoned everywhere else amid the general neglect of the polite arts, it not only flourished among us, but went forth from us to the rest of the world. I ventured to make these statements at the table of the learned and pious Bishop of Durham,[1] who with his accustomed kindness and hospitality had invited me. I pointed out that even from the Hebrides, barbarous as they are supposed to have been, Christianity and the humanities went forth to the rest of the world, and yielded stout resistance to the spread of Roman tyranny and superstition. This my hearers declared to be not only paradoxical but ridiculous; for they insisted that the English and Britons were before the Scots both in their adoption of and attachment to Christianity and learning, and that Britain was among the first countries to enrol herself under the banner of Christ. Now the Scots adopted the faith about the year

Religion and learning went forth from Scotland to England and elsewhere.

[1] See above, p. 361, note 3.

fol. 154. 185 A.D. according to Matthew of Westminster,[1] an English historian of the highest reputation. Origen, an ancient writer, says that after the whole of Britain had become Christian the Britons wickedly adopted the heresy of Pelagius, while the Scots remained orthodox. When the Scots were inclined to follow the practices of the Eastern rather than of the Western Church, Pope Celestine I. sent Palladius, a Scotsman, known as the Apostle of the Scots, who is said to have purged the Church of many pagan superstitions,[2] though he actually did no more than introduce the rites and ceremonies of the Roman Church. The Scots, however, who two centuries earlier had conformed to the true faith, retained the doctrine of the Eastern Church and continued to do so long afterwards, as I shall show presently. Serf, a Scotsman, a disciple of Palladius, was called to be the first Bishop and Apostle of the Orkneys.[3] His disciple Ternan, also a Scot, was sent by Palladius to the Picts and converted them to Christianity in the year 440 A.D.[4] A little later flourished Kentigern, first Bishop of Glasgow. These men, one and all, were renowned for their piety and learning. The poet Cœlius Sedulius, who was born to literature in the year 456 A.D., a disciple of Hildebert, Archbishop of Scotland, many of whose poems are extant and challenge comparison with the work of the greatest writers of antiquity, made a prolonged journey through Spain, Gaul, Italy, Greece, and Asia, and after publishing his exercises and literary work in Achaia, returned to Rome, and there communicated the treasures of learning which he had acquired with so much labour. Pope Gelasius speaks of him as worthy of veneration, and describes his writings, and especially his *Opus Paschale*, as among the *fol. 155.* authoritative literature of the Catholic Church. Paternis, a disciple of Gregory the Great, and Remigius, Bishop of

Scotsmen of learning and piety who lived in the fourth century.[5]

[1] Ed. 1601, p. 60.

[2] Bede (Bk. i. chap. 13) says that Palladius was sent 'to the Scots that believed in Christ,' in 431, as their first bishop. His mission, however, was to Ireland and not Scotland. See Lang, *History*, vol. i. p. 25.

[3] See Bishop Forbes's *Kalendar*. The Orkney mission is of late authority.

[4] Ternan, the evangelist of Kincardineshire, died *circa* 431.

[5] Craig, in fact, refers to the fifth century.

Auxerre, also praise him highly.[1] After him came Fridoline, a wandering Irish Scot, a pious man, who after teaching throughout a great part of Gaul came at length to Poitou, and for his learning was made Abbot of St. Hilary. Passing thence through Belgium to the Moselle among the lofty peaks of the Vosges, Chur, Strassburg, and traversing finally the Burgundian Provinces, among the Sekingentes on the Rhine he founded a monastery and opened schools.[2] Such is our record in the fourth century of the Christian era, a period in which learning among almost all nations was buried in the silence of the grave, and nothing was audible save the Huns, Vandals, Goths and their clashing arms. Can any one mention writers who flourished at that time in Gaul, in Germany, in that part of Britain which was a Roman Province, or even in Italy or Greece? If they existed, their names have not come down to posterity.

The fifth century.

In the fifth century there flourished St. Patrick, an Irish Scot, who wrote a book to confute the errors of the heathen.[3] At that time also flourished Bridget of Leinster, a very learned Scottish woman.[4] But far more famous than she was Columban, pupil of Comgall, who founded the Abbey of Luxeuil in France. In the island among the Hebrides which still bears his name, famous as the burial ground of the old Scottish kings, amid a population which is reputed to be at the present day utterly uncivilised, Columban founded a monastery and opened schools from which, like the Trojan horse, numberless soldiers or heralds of Christ issued.[5] Among them was Bishop Dagan, a man of the Apostolic order, who refused to admit into his churches the Roman rites introduced by the emissaries of the Roman see. For when Augustine, who is called the Apostle of the English,

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[1] Craig is quoting from Trithemius's *De Scriptoribus Ecclesiasticis* (ed. 1512), p. 39. This Sedulius, however, was not a Scotsman. See Smith's *Greek and Roman Biography.*

[2] For Fridoline, see Smith and Wace, *Dictionary of Christian Antiquities.*

[3] St. Patrick died in 463.

[4] St. Brigit or Bridget of Kildare, 453-523 A.D.

[5] Craig is confusing St. Columban with his contemporary St. Columba. The former was a pupil of Comgall and died in Piedmont. Columba founded the monastery in Iona to which Craig refers.

was sent by Gregory the Great nominally to invite the Saxons to embrace Christianity (though before his arrival most of them had been converted by the preaching of the *fol. 156.* Scots),[1] but actually to supersede the rites of the ancient church by those of Rome, and especially the celebration of Easter, which was observed in Scotland on the fourteenth moon or the Sunday following,[2] Dagan on that matter and also on the administration of baptism publicly dissented, and condemned as an innovation the alteration of the ancient form and rites. There is in Bede[3] a letter sent by Laurentius, Archbishop of the English, to the clergy of Scotland. 'We have been informed,' he says, 'by Bishop Dagan and Abbot Columban that the Scots in no way differ from the Britons in their behaviour; for Bishop Dagan coming to us, not only refused to eat with us, but even to take his repast in the same house in which we were entertained.' Such is Bede's statement.

The sixth century.

In the sixth century a great reputation for learning was gained by the Scotsmen, Jonas, a monk of Luxeuil in France,[4] and Livinus, a martyr, who is called Archbishop of the Scots.[5] This man, distinguished alike in his birth and learning, went to Ghent with three companions, and passing thence to Escha, converted many to Christ by his preaching; but others, as Christian Masseus of Cambrai relates, rejected his teaching, and gave him the crown of martyrdom. In this century Oswald and Oswy, after the slaughter of their father by King Penda, fled to Aidan, king of the Scots, who received them with kindness, brought them up, and restored Oswald to the kingdom of Northumberland. Oswald did not prove forgetful of the true faith which he had learned in Scotland; for not only did he profess it himself, but he devoted himself whole-heartedly to the conversion of his

History of the World, Bk. iii.

English exiles invariably received with kindness in Scotland.

[1] This statement is not true of the year of Augustine's arrival in Britain, 597 A.D. The successful missionary efforts of the Scottish monks followed the settlement of Aidan at Lindisfarne in 635.

[2] See Bede, Bk. iii. chap. 25.

[3] *Ibid.*, Bk. ii. chap. 4. Bede's 'Scotland' is Ireland, of course.

[4] See Trithemius, *De scriptoribus ecclesiasticis*, p. 56.

[5] See Smith and Wace, vol. iii. p. 733.

subjects, and lost no time in summoning from Scotland learned men for their instruction.[1] 'From that time,' says Bede,[2] 'the Scots began daily to enter England in increasing numbers, and with great devotion preached the Word to those provinces of the English over which Oswald reigned, and those among them who had received priest's orders administered to believers the grace of baptism. Churches were built *fol. 157.* in different places; the people joyfully flocked together to hear the Word; money and lands were given of the king's bounty to build monasteries; the English, great and small, were instructed by their Scottish masters,' and so forth. Bede, *Eccl. Hist.*, Bk. iii. chap. 3. Bede also mentions the monastery of Iona, or Hii. one of the Hebrides, an island now supposed to be uncivilised and unlettered, from which, says Bede,[3] a bishop was sent in succession to Aidan to confirm England in the faith of Christ, who among other benefits left the clergy an admirable example of self-denial and continence. In a later passage Bede speaks of Fursey,[4] sprung from a noble Scottish family, who preached the Gospel among the East Anglians, converted many unbelievers to the faith, and built a monastery in that region. Bede confidently records his virtues and his angelic vision.[5] It is manifest, therefore, that the Northumbrian English as well as the East Angles who now inhabit Essex owed their Christianity to the Scots. Bede also declares that those who fled to Scotland from persecution in England were received with hospitality and kindliness, and were granted their daily food without charge, books to read, and instruction by their hosts. Further examples of Scottish hospitality to English exiles. It is pertinent here to quote the statement of Francis Godwin in his work on the English bishops:[6] 'In the reign of Oswald, King of Northumbria, envoys were sent to the Scots, among whom at that time were many God-fearing men of great learning'—(those words should especially be noted: 'many

[1] Oswald recovered the Northumbrian kingdom in 634, and at his invitation Aidan arrived from Iona in the following year.

[2] Bk. iii. chap. 3.

[3] The allusion is to Finan. See Bede, Bk. iii. chap. 17.

[4] *Ibid.*, Bk. iii. chap. 19. Fursey came from Ireland.

[5] *Ibid.*

[6] Francis Godwin, Bishop of Llandaff and Hereford, published his *Catalogue of the Bishops of England* in 1601.

God-fearing men of great learning'), 'begging that they fol. 158. would send him a pious man to instruct his people in the Christian religion. The Scots readily agreed and sent to him a man both pious and learned, who, however, unable to bear the barbarous habits of the Northumbrians, returned home,' a fact our neighbours, who dwell on our own barbarous habits, may take note of.[1] Afterwards Aidan, a Scot, founded a bishopric on the island of Lindisfarne, now Holy Island, and diligently taught the Northumbrians the Christian faith. There he died on the last day of August 651 A.D. He was succeeded in the bishopric by four or five successors, all Scotsmen, as we shall show, men of wondrous piety and simplicity of life. And yet we are said to have been a wild, barbarous, uncivilised, and ignorant race.

But lest it should be imagined that Northumbria was the only part of England which received its faith and its creed from Scotland, there is Bede's statement,[2] that the Midlands obtained their Christianity from Diuma, a Scottish priest, who was attended by three Englishmen,[3] and most zealously pursued that work. Of Diuma, Francis Godwin writes: 'Oswy, king of the Mercians, founded an episcopal see for the Middle English at Lichfield[4] in 656 A.D., and made Diuma or Dunna, a Scot, the first bishop of it. He was succeeded by another Scot, Ceollach by name, the second bishop of Lichfield, who, however, preferring to live among his own people, resigned the see, and returned home. He was succeeded by Trumhere, who, though an Englishman, had been brought up and educated in Scotland, and knew the customs of that country.' Bede also mentions[5] Colman, a Scottish bishop, who, taking with him some of his own countrymen and some Englishmen, left Britain and retired to a small island off the west coast of Ireland, where he built a monastery for both Scots and English, and another in Ireland. Henry of

[1] The story is told by Bede, Bk. iii. chap. 5.

[2] Bk. iii. chap. 21.

[3] Bede gives their names as Cedd, Adda, and Betti.

[4] The Mercian See was originally at Repton.

[5] Bk. iv. chap. 4. Colman retired to Iona after the momentous decision at Whitby in 664.

Huntingdon, however, states that Diuma was bishop of the Mid-English, Mercia, and Lindisfarne. He attributes to him also the conversion of the Mid-English, and says that Ceollach, a Scot, was his successor.[1] Columba dwelt in an island called Hii, as Bede writes,[2] where he built a monastery, named after its learned founder, Columba's Cell, or Icolmkill, as it is now called, and many learned men lived in it. And as showing that there was no part of England which did not owe to the Scots its introduction to Christianity and learning, Bede states that the south of England, which till then was ignorant of the faith, was called to profess Christ by the preaching of a Scottish priest named Dicull.[3] However, though Dicull and five or six brethren daily preached the Gospel, yet the people did not listen to his doctrine. *fol. 159.*

And so the Gospel, which was first preached by the Scots in Northumbria, spread by their zeal and efforts to all parts of England. It is a well-known fact that in the north of England five Scotsmen in succession held the see of Lindisfarne, which was afterwards transferred to Durham. Their names are Aidan, Finan, Colman, Tuda, and Eata. Eata was succeeded by Cuthbert, an Irish Scot of royal descent, brought up and educated by Eata in the monastery of Melrose.[4] Cuthbert also became Bishop of Lindisfarne. All of these men were of the most exemplary piety and simplicity of life, as Henry of Huntingdon testifies. He adds that all the monasteries were built by Scotsmen, and that no institution was regarded as orthodox, or properly administered, which was not either founded or governed by a Scot. Polydore Vergil, however, with his usual prejudice against the Scots, gives no indication whatever of these facts, and assigns the credit to others. This, perhaps, is not surprising, seeing that it was in a foreign and more powerful kingdom than their own that the Scots are said to have been set in authority over,

St. Cuthbert, a Scot.

Bk. iii.

[1] Ed. Migne, p. 864. [2] Bk. v. chap. 9.

[3] Dicull was one of the companions of Fursey, and is described by Bede as head of the monastery of Bosham in Sussex. See Bede, Bk. iii. chap. 19, and Bk. iv. chap. 13.

[4] Bede, Bk. iv. chap. 27.

fol. 160. and to have erected, so many monasteries. I shall return to this point presently.

Why Scotsmen were driven from English ecclesiastical offices.

But first I desire to show on English testimony why it was that the appointment of Scotsmen to bishoprics and abbeys in the north of England ceased. Not only did the Scots of that period disagree with the Roman Church in the observance of Easter, but also on the form of the tonsure, and many other matters. Bede declares[1] that the ecclesiastical rites practised in Britain differed greatly from those sanctioned by the Roman Church. For that reason Pope Honorius, indignant at the renown and success of the Scots in the north of England, first of all sent a letter, according to Huntingdon,[2] to rebuke their error in the observance of Easter, and to exhort them to remember that their small body was not wiser than all the churches in Christendom. Likewise did his successor John.[3] Both Popes therefore instructed the English, over whom Augustine's preaching had long since given them great influence, not to admit a Scot either to an abbacy or a bishopric.[4] Accordingly, the Scots, excluded from ecclesiastical office in the north of England, betook themselves to foreign countries, where they built numberless churches and monasteries, and many of them became bishops, as I shall show. For already the Scottish bishops were so esteemed that even Bede dates events from their episcopate in Northumbria, which then meant the whole region beyond the Humber.[5] William of Malmesbury states that three Scotsmen succeeded Paulinus, the first bishop of York, namely, Aidan, Finan, and Colman. I am not sure whether they are the same as those of the same name in Lindisfarne,[6] nor can I find any information on the point; but they all bore Scottish names of the period. I had better give Malmesbury's statement in his own words: *fol. 161.* 'Paulinus was the first bishop of York, and after he was

[1] Bk. ii. chap. 19.

[2] The earlier authority for this statement is Bede, *ibid.*

[3] John IV. The letter is printed in Bede, *ibid.*

[4] Bede offers no authority for this statement.

[5] In Bk. iii. chap. 26, Bede speaks of the year of the Whitby Synod as 'the thirtieth of the episcopacy of the Scots among the English.'

[6] They are the same.

driven thence[1] three Scotsmen succeeded him, Aidan, Finan, and Colman. But because Colman would not abjure his opinion regarding the observance of Easter' (Malmesbury says that he was confuted by Wilfrid),[2] 'he was supplanted by Wilfrid, who, rejecting the opinions of the Scots, introduced Roman customs. The kings and the great men of the province rejoiced at obtaining a native preacher of the Word, being tired of the crudities of the Scottish customs.' In a later passage Malmesbury adds:[3] 'When Wilfrid was called to the Archbishopric of York, and was directed to receive consecration at the hands of the Scots, as was then the custom, he stoutly refused to receive consecration from Scottish bishops or those ordained by them, whose communion the Apostolic See refused to recognise.' Afterwards this same Wilfrid was proud to assert that he was the first to abolish Scottish rites, and to introduce into Northumbria the true Easter, Church music and antiphones, and to enforce the monastic rule of St. Benedict — in other words, Romish practices. Afterwards, by the just judgment of God, Wilfrid was driven from his see,[4] visited Rome, and returned to instruct the Mid-Saxons[5] in the errors of Roman superstition. Huntingdon, Bk. iii. We may infer, then, unless I am greatly mistaken, that in order to propagate their many superstitions, which at that time the Scots stoutly resisted, the Popes sought to prevent their elevation to bishoprics or to the rule of monastic houses. From that time, therefore, owing to the tyranny of the Roman Pontiff, whom they were forced to obey, the influence of the Scots declined. They were compelled to turn to foreign countries, and to devote to them the position and reputation which they had gained in England.

[1] Paulinus fled from Northumbria after the defeat and death of Edwin at Heathfield in 633. The generation between his departure and the Synod of Whitby was the period of Scottish missionary activity in England.

[2] Wilfrid and Colman were the protagonists in the controversy at Whitby in 664.

[3] I do not find in Malmesbury these details regarding Wilfrid.

[4] Wilfrid was replaced by Chad in the See of York *circa* 665. He recovered it in 669, but after the division of the diocese in 678 visited Rome, and laboured in Sussex before his restoration to York in 686.

[5] Craig probably means Sussex.

However, as I have already remarked, Scotland produced many famous men in that period. One of them, Segenius, was Abbot of Iona, a man possessed of the true Apostolic spirit.[1] His pupil, Finan, succeeded Aidan in the see of Lindisfarne,[2] and in his turn was followed by Colman, whom Oswy, king of the Northumbrians, appointed. Colman and Finan, already mentioned, keenly contested the views of the Roman See on the subject of the clerical tonsure and of the observance of Easter.[3] Colman, also, when he was involved in a dispute with Chad, Archbishop of York, and the wise woman Hilda,[4] quoted in his favour the ancient and sacred customs of the Eastern churches which the earliest Christian Britons in the country had hitherto followed. In the same period there lived the Scotsmen Romanus, a priest, and Florentius.[5] The latter left Scotland and made his abode on the river Yssel in Alsace, and by assiduous prayer is said to have cured a deaf mute, Rathild, daughter of Dagobert, king of the Franks, who in gratitude built for him and his companions a monastery at Astelochia, that he might teach there the Holy Scriptures. Afterwards, when Bishop Rothar died in 663 A.D., Florentius, by reason of the sanctity of his life, was unanimously chosen to the See of Strassburg. Great numbers of pious and learned Scots flocked to him there, and he built for them the celebrated monastery on the river Breusch, where they devoted themselves with the utmost zeal to the study of the Scriptures. Of the same period was the martyr Cilian,[6] a Scot of high birth, who travelled through England, France, Germany, Franconia, and settled at Würzburg, of which he was made bishop by Pope Benedict II. He was murdered by the governor Gosbert, whom he had rebuked for his adultery with one named Geilana, and with him were killed Coloman and Tolman, both of them Scotsmen and learned men of that

fol. 162.

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[1] See Bede, Bk. iii. chap. 5.

[2] Craig plays a good deal on the same set of names.

[3] At the Synod of Whitby.

[4] Abbess of Whitby. Chad was an advocate of the Benedictine rule.

[5] See Dempster, *Hist. Eccl. Gentis Scot.*, vol. ii. p. 407.

[6] St. Cilian, the Apostle of Franconia, was an Irishman. He was martyred at Würzburg in 697.

age. Another famous Scottish missionary of the period was Adamnan of Iona. He preached the Gospel first to the Picts and Scots and afterwards to the Anglo-Saxons. Bede is said to have made considerable use of his writings; he certainly mentions him.[1] Maildulf also was a Scotsman[2] and very learned in Greek and Latin. He opened a school at Malmesbury. In the same period the Irish Scot Cuthbert of Lindisfarne, of whom I have spoken already, was educated at Melrose in Scotland.[3] Merlin, too, was sprung from the Highland Scots.[4] Then again there was Fiachrach, the son of a Scottish king, who turned his back on his court and royal state in the days of King Lothaire, and made his way to Faro, Bishop of Meaux, preferring the life of a solitary there to the crown to which he was called on his father's death. His name is still remembered in that part of France.[5]

fol. 163.

A famous school in England founded by a Scotsman.

The seventh century.

In the seventh century worthy names are those of Artvillus, a famous man of noble Scottish birth;[6] Sedulius Junior;[7] and Fergustus or Pergustus,[8] all of them learned men. In their time many Scottish priests, refusing to countenance the setting up and veneration of images in churches, were deprived of their orders. Clement, a Scottish priest, stoutly resisted the Roman Antichrist and his creature Winfrith in Germany and France in that period,[9] being supported therein by his countrymen Adalbert,[10] Sidonius, bishop of the Bavarians,[11]

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[1] In Bk. v. chaps. 15-17 Bede gives an account of Adamnan and some quotations from his writings. Bede gives Craig no authority for his statement regarding Adamnan's missionary efforts in England.

[2] He was a Scotsman or an Irishman. He died *circa* 675.

[3] St. Cuthbert died in 687. He was a Lauderdale man.

[4] Craig here anticipates Dempster's extraordinary collection of Scottish worthies. See his *Historia Eccl. Gentis Scotorum* (ed. 1829), vol. ii. p. 448.

[5] St. Fiachrach or Fiacre died *circa* 670. Within the half century following Craig's death the Saint's name was given to the French hackney carriages, which were first kept for hire at the Hôtel de St. Fiacre in Paris.

[6] I cannot identify Artvillus.

[7] Called 'Scotus.' See Smith and Wace, *Dictionary of Christian Antiquities*.

[8] See Smith and Wace.

[9] Clement Scotus I. flourished *circa* 745. He resisted the Romanising policy of Boniface (Winfrith) of Mainz, and was imprisoned as a heretic.

[10] Adalbert Levita, who is said to have been the first archdeacon of Utrecht, was an Englishman. He flourished *circa* 760.

[11] There were Bishops of Constance and Mainz of this name.

and Fergil, an Irish Scot.[1] In that period also the Scot Celestine, Abbot of Blandin in Flanders, was on terms of close friendship with Bertram, the learned priest who wrote to Charlemagne to controvert the doctrine of Transubstantiation. John Melrose, a Scot, the friend of Alcuin and pupil of Bede, founded the University of Pavia in the time of Charlemagne, and died there after resisting by word and pen the doctrines of Rome.[2] A certain Florus, a henchman of the Pope, wrote against him. Claudius Clemens, a pupil of John Melrose *fol. 164.* and Alcuin, founded the University of Paris in the time of Charlemagne.[3] Thus, in that century, two of the most famous Universities in the world, Paris and Pavia, owed their first foundation to Scottish enterprise. I know that by many of our neighbours Melrose is claimed as an Englishman; but the annals of France and Italy bear to the contrary, and in regard to the history of their own country and to the foundation of their own University must be believed. To settle the matter I will quote the testimony of Polydore Vergil.[4] Speaking of the Scottish king Achaius, he says that he sent to Charlemagne (who, with a view to founding new Universities, was summoning learned men from far and near) the learned scholars John and Clement, by whose agency Charlemagne afterwards was enabled to offer instruction in the arts to all men in Paris and Pavia. In the same century the Scotsman Willibald preached the Gospel in Thuringia, Hesse, and Herford, and became the first Bishop of Eichstädt.[5]

The eighth century.

At the beginning of the eighth century Claudius, a Scotsman, became Bishop of Turin, and by word and pen boldly opposed the adoration of images, the worship of the Cross, the invocation of so-called holy relics, and pilgrimages to holy shrines, practices which had crept into and become general

[1] St. Fergil or Virgilius, Apostle of Carinthia, was an Irishman and Bishop of Salzburg. He died in 785.

[2] See Boece, vol. ii. p. 136 (ed. Bellenden). The University of Pavia was not founded, in fact, until the fourteenth century.

[3] *Ibid.* The foundation of the University of Paris, in fact, is attributed to the twelfth century.

[4] Ed. Camden Society, vol. i. p. 187.

[5] Willibald, who died in 786, was the son of a Devonshire woman, was educated in England, and was certainly not a Scotsman.

in the Italian Church, of the bishops of which he was one. In the same century five Scottish bishops succeeded each other in turn. Patto, a monk of Ambura, was the founder of the monastery of Verden and bishop of that place. He was succeeded in turn by Times, Cotila, a learned man, and then Harruchus, himself a Scot. I do not dwell on the many monasteries which were founded about this period in England, Belgium, and Germany. In particular there was the foundation of Ratisbon to which, when Otto ruled it, there came seven brothers, Scotsmen and learned men, whose names were Marian, Mathantin, Muchertac, Clemens, Gervase, Isaac, and Donatus. They founded the priory of St. Peter outside the walls and first occupied it. Andreas Presbyter assigns the foundation of the monastery to the time of Charlemagne.[1] *fol. 165.* His *Chronicle* and *Bavaria.*

I could also enumerate many other learned men in other centuries, all of whom were Scotsmen by birth. But I am content to restrict myself to a period in which the pursuit of learning and culture was universally at a low ebb. For it is still less doubtful that in other centuries each generation bore its harvest of learned Scotsmen, as may be gathered even from Holinshed. Nowadays in Scotland rewards for learning are few and far between, and they alone keep learning alive (for learning thrives ill on an empty stomach). But even though they are more numerous among our neighbours, yet from the names I have mentioned it is clear that Scotsmen, even in the most enlightened ages, were in the forefront in learning, faith, and religion, and were the first to impugn the tyrannous dogmas of Rome and to resist them stoutly.

So much I have said to convince our neighbours that we have never been aliens to learning and the humanities, and that it is unjustifiable to call us barbarous, uncivilised, and unpolished, merely because we have not surrendered ourselves

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[1] His *Historiæ fundationum nonnullorum monasteriorum per partes Bajoariæ* and his *Breve Chronicon* are the works on which Craig has relied for the above information. I can find no evidence to confirm the existence of these Scottish worthies. Andreas himself does not mention Mathantin, and from his text (*Breve Chronicon*, ed. Eccard, vol. ii. p. 2247) I have, where necessary, corrected Craig's spelling of the other names.

to the attractions of conviviality and temptations of the table. The most refined nations are those among whom the pursuit of letters, the source whence culture springs, has flourished most; and not those characterised by elegant vices such as porticoes, baths, and luxurious banquets, which to the ignorant, according to Tacitus,[1] represent culture, whereas they should rather be held badges of slavery. Indeed I can but
fol. 166. wonder at the boldness of a well-known English bishop, who dared to assert, in the presence of the king himself, that men of learning in Scotland are few and far between. Why, at the present time there are Scotsmen in every branch of learning, whose names are famous and, as the phrase is, cyclopaedic; men who, without the hope of adequate reward for their ability and activities at home, have gone forth to more promising and wealthy lands abroad, where they have acquired riches and renown. The University of Paris, as becomes a Scottish foundation, holds the Scots in much esteem, and some of its Regius Chairs, the highest reward of learning, have been occupied by Scotsmen. Some of our nation have attained the highest prize of all in the domain of letters and learning by becoming Rectors of that University. I am quite sure that these men did not owe their success to wealth or influence, and that they obtained dignities and honours for their ability and learning alone. Indeed, Polydore himself, the chief English historian, unfair to our countrymen in other respects, admits that Scotsmen are intellectual and easily excel in whatever branch of knowledge they take up, as is shown by their learning.[2] Surely then it is strange that we, who in France, Germany, and not infrequently in England, have enjoyed the reputation of being men of letters and learning should now be ignored by our neighbours, be spoken of as barbarous, uncivilised, devoid of polite accomplishments, and be excluded from positions of honour—we who in other countries are held in renown for our learning and are invited to hold situations of dignity. And in the matter of learning, who is there of their own nation whom our neighbours can compare to our George Buchanan, a man who stands alone? I do not

[1] Agricola, cap. 21.

[2] Ed. Camden Society, vol. i. p. 11.

mention those who are still alive, lest I should be thought to praise any man to his face.

Our most determined opponents among the English, to leave no stone unturned, do not scruple to bring up against us the charge of Jerome,[1] who declares that when he was a youth in Gaul he saw Scots, a British people, feeding on human flesh in the forests, though cattle were abundant; and that their dainties were the buttocks of shepherds and the breasts of women. The reputation of its author has given this remark of Jerome's such currency that hardly a dictionary or work on national customs appears without the passage being quoted as if it were a Delphic utterance. I propose therefore to devote some consideration to confuting it; for if it is not disposed of there will seem to be some argument to support those who accuse us of being savages, wild and barbarous; seeing that to eat human flesh is not only savage but worse than bestial. What people write of others, however, is not always true. *fol. 167*

Erasmus conjectured that the text of Jerome was wrong in this particular passage, because nowhere else could he find a similar statement about the Scots, and therefore supposed Jerome to refer to Lesser Britain or Brittany. Now, how far a single act can establish a general proposition, as the lawyers say, I leave to logicians to determine. It does not logically follow, that, because particular Scots in Gaul cut off and eat the buttocks of shepherds, therefore invariably and as a race the Scots consumed human flesh. By similar reasoning Jerome might have concluded that the Scottish nation was infected with any sort of crime merely because some of them whom he saw in Gaul were guilty of it; that all were parricides because some were exiled to Gaul on that account; that all were panders because he had seen Scottish panders there; that all were cooks because he had seen Scottish cooks; all rich men because he had happened to come across some who were; that all were heretics because some adopted the views and heresy, as he calls it, of the learned and devout Vigilantius. The mere fact that he had seen some cannibals in Gaul did

Reply to Jerome's statement that the Scots were cannibals.

[1] *Adversus Jovinianum*, ed. Migne, vol. ii. p. 296.

not justify him, therefore, as a prudent man, in casting general
fol. 168. aspersion and contumely on our nation.

In the course of my recent visit to London I had some conversation with the learned Camden regarding Jerome's statement. He expressed his clear conviction that the passage had been corrupted by a copyist, and told me that in a manuscript of the work at Oxford an alternative reading is found, 'Attogattos aliquando Cattagottos,' an annotation which Vincentius Bellovacensis four hundred years ago, more or less, adopted in his *Speculum Historiale*,[1] reading 'Cattagottos,' that is, a savage race formed by the commingling of the Goths and Catti. But seeing that Jerome's 'gens Britannica' is not consonant with such a reading, many are of opinion that those words also are corrupt, and for 'Brittannica gens' would read 'tyrannica gens.' If I may be allowed to give an opinion I should say that Jerome actually wrote, 'Scythas tyrannicam gentem humana carne solitam vesci.' For the Scythians did eat human flesh, as may be read in Pomponius Mela[2] and Strabo.[3] I am the more inclined to that opinion by the statement of Zosimus,[4] to the effect that the Emperor Probus sent as settlers to this island Burgundians, Vandals, and other barbarous peoples whom he had conquered. It is a historical fact that the Goths broke into Italy before that period and were beaten in several fights by the Cæsars, the most able-bodied of them being put to the hardest tasks as slaves. These, if they managed to escape from their masters, may have found shelter in the neighbouring forests, and under the stress of hunger may have been reduced to cannibalism. It is therefore quite reasonable to suppose that Jerome wrote, 'Gothos gentem tyrannicam.' However, it is exceedingly improbable that, even if Jerome saw the alleged acts of
fol. 169. cannibalism, he was ever in Gaul in his youth. For on his own statement he was a school-boy in Rome when news of the Emperor Julian's death was brought to the city, an event which took place in the year [363 A.D.]. Error is the constant

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[1] Craig is following Erasmus's reading of the passage: 'Cum ipse adolescentulus in Gallia Scotos, gentem Britannicam, humanis vesci carnibus.' The more accepted reading is 'Atticotos.' See Migne, vol. ii. p. 295, note d.

[2] Bk. ii. chap 1. [3] Bk. iv. chap. 5. [4] Bk. i. chap. 68.

attendant of youth, and credulity, so natural to that age, may have clouded Jerome's youthful vision and caused him to think he saw what, in fact, he never saw.

Jerome's *Habakuk*, Bk. iii. chap. 2.[1]

But consider where it was that Jerome says that he witnessed these acts of cannibalism, namely Gaul. It is impossible to believe that the Scots were then present there in such numbers that the shepherds could not resist them. Indeed, in the opinion of most men, at that time they had hardly passed over from Ireland into Britain. Also it is a well-known fact that in Jerome's early days the Scots were already Christians, ardently attached to the faith, and diligent to act in no way unworthy of it. For Tertullian, who lived almost two hundred years before Jerome, tells us that parts of Britain which the Roman arms had not touched had been subdued to Christ.[2] Nicephorus[3] again, as well as Jerome himself, speaks of a heretic Scot in Gaul (who was in fact a learned man, well instructed in the Christian religion, and an orthodox Christian). This is what Jerome says of him: 'Ipseque mutus latrat per Alpinum canem grandem et corpulentum et qui calcibus magis possit sevire quam dentibus.'[4] Here 'Albinum' should be read for 'Alpinum,' for this island was called Albion by Aristotle[5] and Alban by ancient writers; a name which the real Scots, wishing to be known as the genuine and, as it were, aboriginal Scots, still employ, and hardly acknowledge the name of Scot. Jerome proceeds: 'Habet enim progeniem Scoticae gentis de Britannorum vicinia, qui juxta fabulas poetarum instar Cerberi spirituali percutiendus est clava, ut aeterno cum suo magistro Plutone silentio conticescat.' It is possible that his hostility against this particular Scot may have prejudiced Jerome against the whole race. It is at least evident from his own statement, that the Scots were already Christians and fully instructed in that religion. For the Scotsman in question had taken the

Contra Judæos, chap. 6.[2]

Ecclesiastical History, 40.

A reason for Jerome's prejudice against the Scots.

fol. 170.

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[1] The reference is inaccurate. See above, p. 383.

[2] *Adversus Judæos*, cap. 7.

[3] Callistus Nicephorus, *Ecclesiastica Historia*, published 1588.

[4] *Comment. in Jeremiam*, lib. iii., pref. (ed. Migne, vol. iv. p. 758). The passage refers to Pelagius the heretic, who was either a Briton or an Irish Scot.

[5] *De Mundo*.

part of Vigilantius, a Spanish bishop, against Jerome. The bishop maintained as unorthodox the worship of sacred relics and the veneration of shrines, and the Scotsman supported his opinions by a great number of sound arguments drawn from Holy Writ. He was therefore vehemently denounced by Jerome, who somewhat exceeded the bounds of good taste in his invective, and extended to the whole nation his hostility to a single member of it. Britain, according to Matthew of Westminster,[1] adopted the Christian religion in the year 185 A.D., at which time Albany or Scotland was under her own bishops and archbishops. It is therefore impossible, being already Christians, that the Scots should have been guilty of the monstrous practice to which Jerome refers. Nor does Jerome accuse the whole nation of it, or say that it was practised in Scotland, a country which he never visited. He describes it as the practice of certain abandoned men, who may have been Scots, outlaws flying from justice, and prevented by fear from taking means to procure ordinary food. Again, Jerome says he witnessed these horrors in Gaul. Now, when he was a youth, Gaul was subject to the Romans, and Constans and Constantius, both of whom were Christians, held it under large garrisons and forces. Julian was an apostate, it is true, yet for very shame and in the public interest he would have suppressed such horrors by the sword or, if that were possible, by even sterner methods. Nor could the number of these ill-doers have been formidable. The shepherds unaided could surely have routed them, and if they shrank from the encounter could have obtained help from the Roman army of occupation. Without doubt, also, men would have flocked from every quarter to stamp out such wickedness; for it was not dead but living bodies that they treated as described—no one with even a spark of humanity in him can be thought of as eating a corpse. Nor could punishment for such an offence have been long delayed, since the guilty persons were known. Jerome therefore might have
fol. 171. been expected to have said something about their punishment; unless it was that at that tender age he fancied he saw what

[1] Ed. 1601, p. 60.

he never saw, or accepted gossip as ocular proof. However that may be, he was not justified in attributing to a whole nation the criminal practices of a few individuals. Only ten years ago, as is well known, in Poitou in France, a civilised country, seven inhuman Frenchmen were arrested and rigorously punished for eating human flesh as a delicacy in woods and other remote places. But who but a slanderer would describe the practice as general among the French people? Cæsar, Tacitus, Strabo, and others who have written on British affairs or describe the customs of North Britain after the Roman invasion of Caledonia, do not indicate the existence of such a practice. Further, the word 'Scots' in the passage is an improbable reading; for when he describes the characteristic vices of uncivilised peoples Jerome merely says of our nation: 'Scotorum natio uxores proprias non habet, et quasi Platonis politiam legerit et Catonis sectetur exemplum, nulla apud eos conjux propria est, sed ut cuique libitum fuerit pecudum more lasciviunt.'[1] Though possibly with no greater truth than in the other passage, Jerome here attributes a particular vice to the Scots as their characteristic among uncivilised nations. Possibly he took as his authority the statements of Cæsar[2] and Tacitus,[3] though neither knew much of the Britons other than those of the coast and southern districts. But neither writer says that any of the Britons ate human flesh. There were, however, many famous races notorious for this vice. Speaking of the Egyptians Juvenal remarks:[4]—

> Porrum et caepe nefas violare et frangere morsu.
>
> . . . .
>
> Carnibus humanis vesci licet.

Cæsar, again, records the speech of Critognatus, in which he invited his countrymen to follow the practice of their ancestors in the much less arduous war with the Cimbri and Teutones. They, when they were beleaguered and lacked food, had subsisted on the bodies of those who were useless as soldiers and would

Comment. vii. 77.

fol. 172.

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[1] *Adversus Jovinianum*, ed. Migne, vol. ii. p. 296.

[2] *Commentaries*, Bk. v. chap. 12 *et. seq.*

[3] *Agricola*, cap. 11 *et seq.*

[4] *Sat.* xv. 9, 13.

not surrender to the enemy. Even if there were not a precedent for such conduct, he said, still he would consider it a glorious act in the cause of liberty to create one and hand it down to posterity. Such was the advice of Critognatus according to Cæsar, and it must be inferred from it that the Gauls had been wont to eat human flesh when they were besieged or were in dire straits, and took pride in the fact. And not in Gaul only, but almost universally did the custom hold when cities were besieged or reduced to want, as history shows. No one, of course, can condone such a custom; for the worst ought to be endured rather than commit so detestable an act. The Massagetae, again, used to cut the throats of their parents, kinsmen, and relatives, and eat them when they became old, saying that it was better to be eaten by them than by the worms. Strabo gives other instances.

If I might venture an opinion on the point under discussion, I should, as I have already said, prefer the reading 'Scythas gentem Britannicam' to 'Scottos gentem Britannicam' in Jerome's text. The substitution involves no difficulty, the Greek 'u' and the Latin 'o' being often interchangeable. In Jerome himself, in his Preface to the first book of his *Commentaries on Jeremiah*,[1] these words occur: 'Nec recordatur stolidissimus et Scotorum pultibus prægravatus nos in ipso dixisse opere.' Here some inaccurate editions have 'Scythorum pultibus' (Scythian porridge), which has no meaning. For Jerome is referring to the passage of Dion Cassius in which he speaks of the inhabitants of North Britain as having a peculiar kind of food for general use, of which, if they took no more than the size of a single bean, they felt neither hunger nor thirst.[2] There is a similar obvious error in one of Jerome's letters to Ctesiphon against the Pelagians. The words are: 'Et ad extremum (quod solet nobis objicere contubernalis vester Porphirius) qua ratione clemens et misericors Deus ab Adam usque ad Moysen, et a Moyse usque ad adventum
fol. 173. Christi passus sit universas gentes perire ignorantia Legis et mandatorum Dei. Neque enim Britannia fertilis provincia

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[1] Ed. Migne, vol. iv. p. 682.

[2] The passage is in Dion's *Severus*.

tyrannorum, et Scoticæ gentes, omnesque usque ad Oceanum per circuitum barbaræ nationes Moysen Prophetasque cognoverant.'[1] Here erroneously and to the confusion of the author's meaning some editions have 'Scythicæ gentes,' though it is obvious that 'Scoticæ' is the right word. For neither then nor now do the Scythian people acknowledge Moses and the Prophets. My conjectural emendation of Florus's lines on the Emperor Hadrian is thereby confirmed.[2]

But supposing any one is still so obstinate as to hold that Jerome's statement does in fact refer to the Scots, we find, if we look into the early manners and customs of all nations, that there is hardly one of them which at some time or other has not been guilty of degrading acts. Aristotle in his *Politics* says that the Gauls practised sodomy,[3] a vice to which in these days no one is more averse or condemnatory than that most religious people. According to Tacitus[4] the more distinguished Germans practised polygamy and made human sacrifices to the dead. The Britons themselves had wives in common among ten or twelve of them, as Cæsar records,[5] referring to the inhabitants of South Britain, whose customs alone Cæsar remarked, confirming in this matter the testimony of canon law. Strabo writes[6] that the Lusitanians were in the habit of sacrificing their captives to Mars and of reading the future from their entrails.

But I have no mind to pursue this unpleasant subject further. It is a fact indisputable that the vice in question was never practised in Scotland, nor is there a single writer who has recorded its existence there. If it is really the case that Jerome as a youth in Gaul saw some depraved men reduced by want to practise it, he ought none the less to have refrained from attributing to a whole nation a vice practised by some criminals who had fled to the forests to escape punishment. It was about the year 340 A.D. or 346 A.D. when the youthful Jerome had his alleged experience, a period in which the Scots in France were far too few in number to attempt or perform such prac-

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[1] Ep. CXXXIII. Ed. Migne, vol. i. p. 1157.

[2] See above, p. 363.

[3] Bk. ii. 9.

[4] *Germania*, cap. 9, and 18.

[5] *Comment*, Bk. v. chap. 14.

[6] Bk. iii. chap. 3.

tices with impunity. However, as Erasmus noted, a good
fol. 174. deal of literature has been wrongly attributed to Jerome. In his biography there certainly is no record of his having been in Gaul in his youthful days, though he went there in later life and travelled throughout the whole country. The testimony of Chrysostom alone, however, avails to remove the stigma from the Scots. He was closely contemporary with Jerome and was made Bishop of Constance in the year 398 A.D. ten years before Jerome's death. This is what he says:[1] 'Quoties in Britannia humanis carnibus vescebantur nunc jejuniis animam reficiunt.' He attributes to all the British peoples a vice which Jerome remarked as peculiar to the Scots; or, as I am inclined to think, is quietly ridiculing Jerome's opinion and judgment. For it is exceedingly unlikely that in one and the same period the Scots should be eating human flesh and also mortifying their bodies by fasts and prayers. But enough on this subject.

The candid reader will pardon me for endeavouring at such length to remove a stigma laid upon an innocent people, for there is no nation that I know of which abhors the practice in question more than our own does. Scotsmen are most friendlily disposed toward strangers, and most ready to show compassion when it is called for. It is therefore quite foreign to their nature to countenance such an offence. But Jerome also has his failings, on which others may dwell. I return therefore to the consideration of this most auspicious and beneficial conjunction and union.

CHAPTER IX

fol. 175. Whether a change of the present name and the revival of one common to both kingdoms is essential to union.

As a means to the perfecting and consummation of union the institution of a common name must be considered. Will the

[1] Ed. Montfaucon, vol iii. p. 957.

interests of Britain be better served by the revival of one common name for both countries, as in the case of the Achæan League, mentioned by Polybius?[1] Or should the names of England and Britain be retained? Some are of opinion that each country should retain its own name, following the example of the French, Spanish, and other instances of union already mentioned,[2] or of the three northern kingdoms, where each state retained its own name,[3] or of Poland and Lithuania, or of the Belgic provinces, whose original names also remain.

Polybius's statement regarding the Achaean League.

Others hold an opposite opinion, and regard the case of England and Scotland as different from the unions already mentioned. At the present time Spain is known simply as Spain. The names of her original kingdoms are no longer used as those of kingdoms; Castile, Aragon, and Portugal being counted merely as provinces. Again, in Spain battles between the Castilians and Portuguese were rare; one only, if I remember correctly, taking place at [*lacuna*]. Between the Asturians or Gallicians and Castilians there were even fewer contests, and between the Castilians and Aragonnese none that deserved the name of a battle. As to Belgium, there were frequent leagues of amity between its provinces. And so of France; formerly there were four French kingdoms, which retain their ancient names, but as provinces and not as kingdoms. On the other hand, between England and Scotland there have been such fierce hostilities, such bloody battles, such frequent shedding of blood, deep-rooted feuds of such long standing, and perpetuated by fresh quarrels and collisions, that there is need of some new and closer bond if the memory of what has happened in the past is to be obliterated. Such a result can hardly be looked for so long as each country retains a name reminiscent of its ancient honour and prowess. What is chiefly needed is that every reminder of former enmities should be removed and buried, so that nothing may remain to wound either people; particularly since, if this union is to be cordial, we must enter into bonds of friendship and of lasting peace.

fol. 176.

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[1] See above, p. 284.

[2] See above, p. 258.

[3] The Union of Kalmar, 1397 A.D.

The first objection of our neighbours to a change of name.

Some persons, however, who have no interest in honourable dealings, and prefer to turn inharmonious relations to their own uses, urge strong objections to a change of name.[1] They argue that to justify it there ought to be either a manifest advantage or an urgent necessity.[2] Herein they seem to me to encourage the perpetuation of ancient animosities, and in enlightenment to fall far short of the pious King Edward VI. and his nobles.[3] At that time, when priestly intrigue, to our great hurt, prevented the marriage between Edward and the Princess Mary, who had inherited the realm of Scotland, the English sought by might of arms to enforce the contract, and sent a great army under the Protector into Scotland, which was met by the Regent in equal force. But before the battle the English leaders twice sent to us, promising to withdraw on reasonable terms. Such was their unreasonableness, however, that without even showing the letters to the Council, certain prelates, who then were all powerful in it, destroyed them. *fol. 177.* Again, after our people had been soundly beaten in battle, yet not abating their former stubbornness, Edward VI., with the consent of the Protector and his Estates, sent them a communication of the utmost kindness and consideration. To promote mutual friendship and goodwill between the two peoples through the marriage of their princes, and in order that union should not be impeded by the memory of old enmities which the names England and Scotland preserved, the king announced his willingness to give up the name England, with the advantages of his recent victory, and to adopt the name Britain as common to both peoples. Such was England's moderation and anxiety to promote the union, that abandoning the names of England and Scotland as reminiscent of enmity, she was quite ready to accept the name

The letter of Edward VI. and his Estates urging a change of name.

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[1] Craig has before him here the objections advanced by the English Commons to the change of the title 'England and Scotland' into 'Great Britain' in the course of the conference between the two Houses in 1604. Their considered objections are printed in Bruce, vol. ii. App. 6.

[2] The first objection of the Commons was that (*a*) there was neither 'urgent necessity' nor 'evident ability' to justify the change; and (*b*) no precedent for such a step in the case of kingdoms united 'by marriage or blood' or otherwise than by conquest.

[3] See above, p. 256

Britain as the original and common name of both countries. Yet at that time the English had beaten us and held almost the whole region to the Forth under military occupation. Is it not perverse, therefore, to refuse us to-day what was twice offered us when England's fortunes were prosperous and ours the reverse? Is their power firmer and wider than it was then? I do not think they will tell us so. Or is our power curtailed? I opine not. For we have recovered what once we lost, while they have been deprived of Calais and Guisnes. Their refusal must therefore be prompted either by the belief that they are wiser than their forbears, or because they are perversely and obstinately resolved to keep up and augment the old bitterness. The first would betoken arrogance, the second, a puerile disposition. But this is certain: our countrymen, if they are denied what was offered them once by a victorious foe, will feel themselves slighted; and of slights we are not patient.

But an objection to the change of name is, that there ought to be either an urgent necessity for it, or an obvious advantage from it; whereas no necessity exists, England being *fol. 178.* content with things as they are, and discerning no promise of advantage from any change. Now to be satisfied with things as they are betokens satisfaction in the continuance of mutual enmity between the two countries. Yet in this case it is obvious that necessity and utility go together. There is need for a single principate of a united kingdom, for the recovery of Britain's unity by the uniting of her parts, for a single heart and mind in Britain both to make and to resist attack. So long as two different names exist, so long, and on the slightest occasion, a recrudescence of enmity may be expected; one side being resolved to assert its superiority and the other to suffer no slight. Why, at the present time, children in their mimic battles call themselves English and Scots, implying thereby a resolve to struggle their hardest for the victory of their own side. The English, also, when they teach their children archery, encourage them to take good aim by saying 'There's a Scot! shoot him!' and the youngster boasts a Scottish life for every arrow in his quiver. Now if children from their earliest years are encouraged to think that one name is the enemy of the other, and to fight their battles

The need and advantage of the change.

under them, what can result but mutual ill-will? A most serious necessity therefore rests upon the two peoples to unite and restore the British state now divided and shorn of its strength. Suppose that England were rent between two factions, each confident in its numbers and resources, and that a permanent division seemed imminent, would it not be counted a matter of necessity to counteract civil schism, and to make concessions to both sides in order that each might resume

fol. 179.

a common citizenship and be counted loyal subjects of their king for the future? Would not the past be condoned in order to bring both sides again under a common name and the same rights? Would not the utmost pains be taken to wipe out the memory of the schism? What our neighbours would not scruple to do in their own country, if necessity arose, will they not suffer to be done for the peace of Britain as a whole? If the island were invaded by an enemy, or if a war were undertaken against a foreign country, it would be both natural and needful to have peace at home before embarking armies abroad, to be out of danger in our own country before attacking others, to be secure on our own borders before carrying war into France or Spain, to remove every chance of trouble arising in Britain before provoking other nations. Therefore, in view of such a crisis, nothing can more immediately and effectually bind both peoples in fraternal bonds, and present the enemy of one as the enemy of both, than the rehabilitation of a name common to both of them.

Of the utility of a name in common I shall speak presently. Necessity and public utility invariably go hand in hand.

Whether the proposed change of name lacks precedent.

Meanwhile those who urge a change of the existing names are supposed to have no precedent to support them, either in this or other countries, except the admitted experience of such as have been conquered. Herein I discern the embers of a spirit of bitter jealousy anxious to impede the lasting prosperity of Britain. In the case of a conquered country it is usual for the name of the conquering people or leader to be imposed, and for the vanquished to adopt it as a mark of dishonour; a practice which has frequently caused lasting ill-feeling and has sometimes encouraged rebellion. But in a peaceful union arising from royal succession, a change of style

does not mean the adoption of a conqueror's name, but of one common to both peoples, which gives neither an advantage over the other. Hence such a procedure conduces more to a solid union than does a union of conquest.

My statement is capable of proof from the experience of almost every kingdom, including our own island. Livy relates[1] that when Turnus, king of the Rutulians, Æneas, king of the Trojan strangers, and Latinus, king of the Aborigines were at war, Turnus, after the death of Latinus, fled for safety to Mezentius and the powerful Etruscans. Æneas, who had married Lavinia, the only daughter of King Latinus and heiress to the throne of the Aborigines, in view of the great and formidable conflict impending, and in order to attach the Aborigines to his cause, determined that his two peoples should bear the same name, and therefore called them Latins. Consequently the Aborigines did not fall short of the Trojans in their loyalty and service to Æneas, who was thereby encouraged to venture boldly from the walls behind which he would otherwise have sheltered, and to engage in an open battle from which he emerged victorious. The story carries some points worthy of remark. The first is, that the shrewd Æneas realised that he could not expect equal loyalty and devotion from both peoples unless, abandoning their former names, they adopted one in common. The second is, that his subjects, having assumed one name in common, became as brothers, and served their prince at home and in the field with equal devotion and loyalty. The third is, that they overcame the resources of the Etruscans, a people much more powerful than themselves, who then ruled Italy from one sea to the other; so firmly were they united once they had been brought to bear a common name. I think that this example resembles our own case as closely as milk resembles milk, or as one egg matches another. Almost the same thing happened in the case of the Romans and Sabines.[2] When they made mutual concessions with a view to a friendly alliance, they made a compromise on the subject of a common name. They agreed that the old name, Rome, should stand, *fol. 180.*

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[1] Bk. i. chap. 2.

[2] *Ibid.*, Bk. i. chap. 13.

but that both peoples should be called Quirites, after the Sabine Cures, a name which established itself permanently, the thirty Curiae of the Republic deriving their names from the Cures. Another instance is that of the Albans, who agreed to adopt the Roman name after their conquest.[1] So, too, in the case of the Romans and the Latins, who resembled each other in language, customs, military equipment and methods. When the latter desired to share Rome's power, and that one state might be formed out of the two peoples, the question arose whether a common name was desirable. Lucius Annius, at that time *prætor* of the Latins, strongly urged on the Roman Senate the advantages of political union, and gave it as his opinion that the two peoples ought to adopt a common name. And seeing that one side or the other had to make the first concession in the matter, he was the first to suggest that for the future both peoples should bear the Roman name; so strong was his opinion that the assumption of a common name was essential to the creation of a perfect and real union.

fol. 181.

Livy, Bk. viii. chap. I.[2]

Virgil has the following lines on Italy:—[3]

> Tum manus Ausonia et gentes venere Sicanæ,
> Sæpius et nomen posuit Saturnia tellus.

At different times Italy has been called by different names—Ausonia, Œnotria, Hesperia; and any one curious about its nomenclature may look into Dionysius of Halicarnassus. I have also quoted Polybius[4] to show that the Lacedæmonians, Arcadians, and other Peloponnesian countries adopted the Achæan name with the object of forming a single body politic. However, these are ancient examples and are forgotten. But I doubt if there is a single modern European state which has not changed its name upon the fusion of two or three peoples into one. Hungary, the seat of the Huns and Avars, was once called Pannonia. Bavaria, so called from the Boii and Avars, was formerly called Vindilicia. Catalonia, or Gotholonia, took its name from the Goths, or Catti, and the Alans. Germany itself has not retained its ancient name,

Modern examples of a change of name.

[1] Livy, Bk. i. chap. 28 *et seq.*

[2] The correct reference is to Bk. viii. chap. 4.

[3] *Æneid*, viii. 328-9.

[4] See above, p. 284.

Allemannia, nor has any other country in Europe. The Gauls of an earlier period are now Frenchmen, and are unknown by any other name. The same is true of Germany. *fol. 182.*

But let us consider unions which have come about through succession. Take first the case of Spain. When, as I have already remarked,[1] the Gothic kingdom in Spain was overthrown, Pelayo held together what remained of it, eventually got possession of Asturias, now called Gallicia, and founded a kingdom there. His daughter Hermesinda (his son Favilo having briefly reigned) married Alfonso the Catholic, who acquired the kingdom of Leon and united it with Asturias under his sway. His descendants to the time of Veremund of Leon continued to rule the two[2] kingdoms. So far Castile had been ruled by counts exercising administrative authority. But as this diffusion of power proved unsatisfactory, Sancho I., or, as some think, his son Ferdinand I., took the title king, and having married Sancha, the sister and heiress of Veremund, united the three kingdoms of Asturias, Leon, and Castile.[3] Unwisely, however, he divided them by his will among his three sons.[4] But upon their reunion under Ferdinand III.,[5] he, knowing how fatal division would prove to them and to the Christian population, which at that time was engaged in a bitter war with the Moors, determined to prevent their future disintegration and to form a single monarchy. But he feared to give offence by selecting the name of one of the three peoples subject to him, realising that the others would not tolerate the preference, that the Castilians would urge their power and wealth, and the Asturians the antiquity of their kingdom (which should always command the first consideration and precedence). Ferdinand, therefore, as the only apparent way whereby to evade the difficulty, gave his three kingdoms a name in common and called himself King of Spain, though at the time he was *fol. 183.* master of barely a third part of the peninsula. His action roused indignant remonstrances from the other Spanish

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[1] See above, p. 259.
[2] Craig writes 'tria.'
[3] See above, p. 259.
[4] See above, p. 259.
[5] Ferdinand III. (St. Ferdinand) of Castile reigned from 1214-52. The emergence of 'Spain' did not take place until the sixteenth century.

kingdoms, Aragon, Portugal, Navarre, and others, which complained to the Pope that they were insulted by the Castilian king claiming the monarchy of Spain to their prejudice. Ferdinand could neither deny the fact nor excuse his conduct, save that it was quite impossible for him to hold his three kingdoms together, each of which claimed precedence of the others, by any other bond than that of a name in common.

France, as I have already remarked, twice broke up into four kingdoms, and twice was reunited. But the French would not adopt the name of Paris, though it had attached the other kingdoms to itself, nor that of the Aurelii, Suessiones, Mediomatrici or Metensines, though they represented French kingdoms or provinces, but on each occasion preferred the ancient and common name of the whole country.[1] The Helvetians have given up their ancient name and are now called Swiss, after the smallest canton in the whole of their country, because in it they first took steps to free themselves from the tyranny of their rulers and feudal lords.[2] The Turks have always called the inhabitants of the districts subject to them Mussulmans, in order to unite them and bind them and their conquerors together under one name.[3]

I will add a single example from our island's history. As each Saxon leader seized a portion of it he took the title king, and thus the Heptarchy arose. Partly by success in war, partly by succession, partly by amicable surrender (for Northumbria voluntarily submitted to him), Egbert, king of the West Saxons, subjected the whole of the country to his sway.
fol. 184. But he did not impose on it the name of his own kingdom, Wessex, though its resources had gained him the rest. In order to bind all the Saxons in a bond of friendship, he gave them the name of the English, a tribe which neither in

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[1] The name France was applied originally only to the patrimony of the Capetian dukes.

[2] The canton Schwyz was neither in Craig's time nor is it now the smallest of the Swiss Cantons. With Uri and Unterwalden it formed the first Swiss League in or before 1291.

[3] The name, in fact, has a religions significance. Compounded of the two Arabic words *muslim* and *salama*, it means 'submission to God.'

honour nor reputation was the peer of the Saxons.[1] He did so because he thought it better to impose on his subjects a common designation, though it was new and less distinguished, than to leave them in mutual strife under the Saxon name which was common to all with certain modifications of form.[2] Hence the south of the island got the name England about the year [*lacuna*]. It is true that Tacitus speaks of the Angli,[3] but only incidentally. In fact the reading of the passage is exceedingly doubtful, and in old manuscripts 'Anglii' or 'Angrii' are found for 'Angli.' But in any case the passage cannot refer to the English Angles; for the Angli were a maritime tribe, neighbours of the Saxons. Nor can they be included among the Suevi,[4] who inhabit the interior midlands of Germany. It seems more likely that the Angri or Angrivarii were the progenitors of the Angles; for Tacitus mentions them[5] as bordering the Frisians. Further, the people that invaded Britain under Hengest must have been a maritime folk, and are known to have followed a piratical career before that event. Munster supposes the Angles to have got their name from Enger, a city of no great size in the region of Saxony,[6] whose people, neither in importance nor valour, can be compared to the Saxons. Our own writers derive the name England from Hengest, the first Saxon king in it.[7] Munster, however, is supported by the old poet Gottfried of Viterbo, who has these lines:[8]—

> Orsus et Engistus socia regnante sorore,
> A modo majore funguntur ubique favore:

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[1] Craig's statement is inaccurate. As Mr. Henry Bradley remarks (*Cambridge History of English Literature*, vol. i. p. 380), 'It was probably from the official language of the Church that the Jutes and Saxons learned to regard themselves as part of the "Angle kindred" (Angolcynn, in Latin *gens Anglorum*). The political ascendency of the Angle kingdoms, which began in the seventh century, and continued until the time of the Danish invasions, doubtless contributed to ensure the adoption of this general name.'

[2] Craig means that there were West-, East-, Mid-, and South-Saxons. His statement is not true of the Anglian kingdoms, though Bede sometimes speaks of the 'Angli sive Saxones.'

[3] *Germania*, cap. 40.

[4] *Ibid.*, cap. 38.

[5] *Ibid.*, cap. 33.

[6] See Camden, *Britannia*, p. 130.

[7] *Boece*, ed. Bellenden, vol. i. p. lxiii.

[8] *Pantheon*, ed. Migne, Part xviii. p. 999.

Insula tota favet, regna quieta manent.
Brito timet factum, quia Saxo tenet dominatum
fol. 185. Ne sibi primatum reputet vincendo paratum,
Vendicat imperium Saxo labore datum.
Viribus Angrorum cœpit male terra gravari,
Nomine vulgari datur Angriterra vocari,
Illud et Angrorum nomen ab urbe trahit.
Moribus et linguis victoribus assimilatur.
Angria perpetuo victore vocante vocatur
Angria dicta per R, tunc ibi non erat L.
Gregorius Papa, cujus baptismate pollent,
Nomina dans dedit L[1] prius R de nomine tollens,
Sic velut Angelicos Papa vocavit eos.

Thus the name England is derived either from Hengest, a contracted form of Hengest's-land and without the aspirate for euphony's sake; or from the obscure town of Enger. But owing to their personal beauty, which nearly all of the English still possess, Pope Gregory called them Angli, meaning 'Angels,' as we learn from Polydore. It was therefore Pope Gregory who called these Angrians Angles, a fact which clearly proves the passage of Tacitus corrupt. If I might hazard a guess, I should suggest that it was Gregory's remark which inspired Egbert's choice of the name 'English.'

There are some who suppose that when the Danes seized England and levied heavy tribute from it, they called it Dania, whence the words *Danegelt*, *Danization* or *Denizenship*, *i.e.* admission to Danish citizenship. I leave it to our neighbours to find another derivation. It is, however, certain that William the Conqueror, when he had subdued the country, resolved to call it Great Normandy in place of its ancient name, as the Welsh historian Caradog tells us.[2] And he would have done so had not some trivial war broken out between Philip of France and himself, and had he not been afraid *fol. 186.* that inasmuch as the old Normandy was a French fief, people might suppose the new one to be in a similar position. However, he did away with the English arms, which traditionally are supposed to have been three starlings

[1] 'R' in Migne. I give the lines otherwise as in Migne.
[2] See above, p. 224.

(whence 'sterling' money),[1] and replaced them with the Norman lions or leopards.

It appears, therefore, that neither in antiquity nor renown is the name England so superior to the name Scotland as to justify our neighbours' prejudice against changing it. I do not deny that their exploits in France, Italy, and against Spain, have added great lustre to the English name, and that there is no nation in Europe which would be more renowned than England, had she been able to retain all that she at different times has won. Let them, however, bear in mind the circumstances under which the name England supplanted that of Britain, the wiles by which Hengest imposed it after summoning their principal men to confer with him.[2] They will certainly act wisely if they embrace the present opportunity to give the island a common name, so that the memory and record of ancient feuds and ill-doing may pass with the old names, and that under a new one the two peoples may dwell united for ever. And what name can be bestowed other than the original one, Britain, a name so celebrated in history? What folly it is to prefer the name of half the island, when the name of the whole is available; for it is more honourable and distinguished to be called after the whole than after the part. If therefore the notion of the union of the two kingdoms commends itself to every right-thinking man, as it cannot fail to do, seeing that it promises peace and security for ever, what reasonable objection can there be to a name which symbolises the union?

fol. 187.

The utility of a change of name

I will now discuss briefly the advantage of adopting a common name, reserving, for the moment, consideration of the utility of the union itself. The first benefit that will follow is, that the memory of past rancours will be obliterated in both countries. When our descendants, seeing firm and infrangible concord reigning around them, ask why the English are called Britons, they will be told that they bear that name in order to obliterate all memory of the bitter

[1] The word sterling is, in fact, derived from the *Easterlings*, as the English called the North German merchants. They were famous for the purity of their money.

[2] See Boece, Bk. viii. chap. 18.

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enmity which existed so long between two proud-spirited nations. The second advantage is that all Britons, mindful of their common fatherland, will hold together in evil as in good fortune, will defend one another, contend only in friendly rivalry, and will vie with each other in friendly offices, once they be truly reconciled, and have honestly put behind them the bitter feelings of earlier days. Indeed they will show each other greater good-will than if they had never been enemies, in fear lest one should surpass the other in virtue and right conduct. In the third place it will be the easier for the sovereign of the conjoined peoples to govern them, to exact the honour due to himself, to treat them on equal terms, to make progresses through the realm, to stifle bad-feeling and jealousy, and to promote mutual good-feeling and friendship.

It is a recognised principle that in dignities of every kind the oldest takes precedence, even though it cannot match its competitors in other respects. Indeed the principle has legal sanction, and is recognised by the English themselves. Plutarch tells [2] how Eumenes, who had been stripped of his kingdom by Antigonus and was besieged in his stronghold, very properly refused to meet Antigonus when he was summoned to an interview, giving as his reason that he was his equal in rank, and that as long as he had a sword in his hand he would never recognise a superior. If Antigonus had aught to say to him, he declared, let him come to him to say it.

'De Consulibus'—*Codex*, Bk. I.[1]

fol. 188.

The second objection to the assumption of the name Britain.

Now as to the objection that the assumption of a new name implies the founding of a new kingdom,[3] the contention is fallacious. If it were not so, a new inauguration, a new oath of allegiance would be necessary. But the power of creating new kingdoms belongs solely to the Emperor and the Pope. It is unknown to any constitutional system. Indeed is altogether impossible for a king to create himself, to confer authority

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[1] The correct reference is to Bk. xii. 3.

[2] Plutarch, *Eumenes*, ed. Clough, vol. iii. p. 428.

[3] The second objection which the Commons urged against the proposed change of name was, that it would 'inevitably and infallibly draw on an erection of a new kingdom or state, and a dissolution or extinguishment of the old, and that no explanation, limitation, or reservation, can clear or avoid that inconvenience' (Bruce, vol. ii. p. xxxvi).

on himself, to be the author of his own prerogative; for no king can act beyond the power which God has conferred on him. As it is expressed in Canon law, no one can baptize himself. How, therefore, can it be argued that a new kingdom has been formed in the present case, seeing there is no one with authority to institute it? The king's recent succession to the two kingdoms is rather the resumption of a condition previously existing, the healing of a division, than the institution of something new. And it is a resumption which carries an augmentation of power and honour to both sides. For, as the lawyers say, cause and character pass with the thing itself. Thus, if the antiquity of the Scottish kingdom be added to the resources and renown of England, each of them, auspiciously merged under the original name Britain, will gain in honour and lustre among the nations. However, the machinations and arguments of those who do not desire Britain to be prosperous are directed to this very point, namely, to the prevention of the formation of a new kingdom as the result of a change of name. Let us therefore consider more closely whether a change of name will or will not produce that result.

fol. 189.

The difference between a new and old kingdom.

We call a thing new which had no previous existence in nature, and newness involves the transformation of fact or matter already existing into something else. Is there any one who will venture to declare that if her name is changed the kingdom of England will cease to exist and become something else? On the contrary, she will emerge more powerful, imposing, and glorious than she was before. Does a man suffer injury if he receives the name of his grandfather instead of that of his father? Was Scipio the younger injured by being called the son of Scipio the elder, whereas he was merely his adopted grandson? By poets and historians all his descendants are termed the sons of Æacus; Ajax and Achilles, for instance, though they were his grandsons. The Israelites, again, were all called Hebrews after Heber, though he lived long before the days of Abraham.[1] So, too, the Spartan kings were called Heraclidæ, and the Athenians Cecropidæ,

[1] The name is really derived from words which mean 'strangers from beyond Euphrates who passed over' into Palestine.

from the original founder or king of those cities. When Sancho or Ferdinand succeeded to the kingdoms of Leon, Asturias, and Castile, was a new kingdom formed? Were not rather the existing kingdoms brought under their old name? And when three or four others were added, Aragon, Valencia, Navarre, and more recently Granada and Portugal, and all assumed the common name of Spain, can it be maintained that a new kingdom came into existence? But to put the matter in the clearest light, I would point out a distinction in feudal law between a new fief and an old or inherited one. Authorities define a new fief as one which a man acquires by his own effort and means. Such a fief he can dispose of by will, as the Conqueror did when he passed over his eldest son Robert and devised England to William Rufus.

The legal distinction between a new fief and an old one.

fol. 190.

But an old or paternal fief is one which descends to a man from his forbears. Thus the Conquer left Normandy, which had come to him from his ancestors, to his eldest son Robert. And as to the change of name now proposed, did our most gracious prince acquire the kingdom of England by his own efforts or by succession? If he succeeded, it is not a new fief but an old one, and in precedence and honour dates from its foundation. Can any fief be called a new one to which a man succeeds by right of descent? I cannot imagine any sane man advancing such an opinion. And therefore the king's succession to both states is neither the institution of a new kingdom, nor the founding of a kingdom, but the restoration of its ancient dignity and its original name to a divided state.

The contention regarding the formation of a new kingdom being undermined, other arguments founded on it collapse and are futile. For instance, the objection that treaties between England and foreign powers will be invalidated by the change of name, seeing that one of the contracting parties, the King of England, will have ceased to exist.[1] In fact, when the parties to an agreement can be identified, and the circumstances and ground of the agreement remain, a

[1] The first part of the second objection of the Commons was to the effect, 'that the alteration of the name of the kingdom doth inevitably and infallibly draw on an erection of a new kingdom or state, and a dissolution or

change of name in the parties to it can offer no justification for evasion of it. In the Civil law there is a section *De mutatione nominis*, in which it is expressly laid down that if personal identity can be established, a change of name prejudices the rights of no one.[1] Suppose some one to be the debtor to a Scotsman whose heir resides in France or Normandy, can he escape payment on the ground that the agreement was with a Scotsman or a Briton and not with an inhabitant of Rouen? In the case before us, I am very much mistaken if a single foreign country will not beg to renew its treaties with the ruler of so powerful a country, which will become increasingly powerful by reason of its many alliances.

fol. 191.

A third objection: England's precedence.

Of a similar character is the argument,[2] that the change of name will lessen the dignity and destroy the precedence which England enjoys among the states of Europe. On the contrary it will enhance her position; for by association with Scotland, England will gain what so far she has not possessed, the precedence due to a kingdom much older than her own, a kingdom which is the oldest in Europe. For with kingdoms and dignities, positions of identical rank which recognise no superior in their own grade, the place of honour belongs to the oldest by foundation, as I have remarked already, particularly if its honour and dignity have been enhanced. Priority is not awarded to wealth or power, a rule which is invariably recognised in England. But can the English really claim that their king takes precedence of other sovereigns, and can they establish their claim? In international gatherings where the ambassadors of many countries have been present, I have often heard of disputes as to precedence between the ambassadors of France and Spain, the first arguing that theirs

extinguishment of the old, and that no explanation, limitation, or reservation, can clear or avoid that inconvenience; but it will be full of repugnance and ambiguity, and subject to much variety and danger of construction' (Bruce, vol. ii. p. xxxvi).

[1] *Codex*, Bk. ix. 25.

[2] The second part of the third objection of the Commons was to the effect, that, 'the King's precedence before other Christian Kings, which is guided by antiquity of kingdoms, and not by greatness, may be endangered, and his place turned last, because it is the newest' (Bruce, vol. ii. p. xxxviii).

is the oldest Christian monarchy, the second advancing the yet more august Catholic title of their sovereign and the greater wealth of his kingdom. But I doubt whether the one or other of them has ever yielded place to England. Without doubt the French monarchy is of greater antiquity than that of England, and therefore can claim precedence. But it cannot claim it over Scotland, as I shall show presently.

Now if England imagines that she takes precedence of Scotland's crown and kingdom, I should like to know when she acquired it. Who first acted upon it? Was it won by agreement or by force? Surely they will not tell us that it was won in war, seeing they have nothing to boast of against us in that respect. If they were granted it by agreement, who made the concession? and to whom was it granted? Was it first obtained by agreement or formal treaty? The English tell us that under a common name England's precedence over Scotland will be lost.[1] I answer that we Scotsmen are not less jealous to preserve our ancient dignity than *fol. 192.* the English, and have never acknowledged our neighbour's claim in this matter. Both at public assemblies and at foreign courts Scottish ambassadors have never yielded precedence to those of England, but have always contested it; so much so, that it has oftentimes been necessary for kings or sovereign assemblies to put off the reception of the ambassador of one or the other to another day.

Kings of Scotland more ancient than those of England.

We Scotsmen state our position thus. There were kings of Scotland centuries before Egbert, who is called the first King of England, a little after the year 800 A.D. Yes! before the Heptarchy was founded, and even before Hengest himself, who first brought the Saxons into Britain, to the undoing of those who invited them. The fact is clear from the pages of Polydore and others. I will put my case in the form of a syllogism: Among persons of similar rank he has precedence who first won that rank. The kings of England and Scotland are of the same rank and condition, neither acknowledging

[1] The third part of the fourth objection of the Commons was to the effect that, whereas 'England, in the style, is now placed before Scotland, in the name of Brittany that degree of priority or precedence will be lost' (Bruce, vol. ii. p. xxxix).

a superior. Therefore precedence is due to him whose predecessors were the earliest to obtain royal rank. The proposition is familiar in the legal rule which I have already quoted. 'Who,' says the Emperor, 'but he who first attained it should take precedence of others of the same degree.'[1] Accordingly, the Emperor Leo ordains, the chief seat of dignity belongs to him who has been earliest promoted, and the most prominent place in court and assembly to him who has been longest clothed with official office. The principle is recognised elsewhere in the Digests and Codices. There can be no doubt whatever that in positions of honour seniority governs precedence. The English themselves invariably give precedence in Parliament to the earls according to the seniority of their creation, and to the barons also. And, to instance minor dignities, in the colleges of Oxford and Cambridge the senior graduate takes precedence of and is preferred to a junior in the disposal of any preferment, even though the latter be the more competent. Seniority invariably obtains the preference. My minor premiss is, that the kings of England and Scotland hold the same rank, since each is liege lord of his kingdom and, as the phrase is, recognises no superior. Precedence must therefore belong to the king whose throne is of the greater antiquity. And inasmuch as Scotland had kings long before the English had even a name, to her precedence is due.

Codex, Bk. i. 'De consulibus.'

fol. 193.

Bk. l. Digest. 'De albo scribendo,' Bk. xii. Codex, 'De proximis sacrorum scriniorum,' etc.; 'De Primicerio et Secundocerio.'

The fifth objection.

The objection regarding a change of laws[2] is the merest pretence. For what is there to prevent North and South Britain from continuing to use the laws peculiar to each of them? In different parts of England there are different customs in each locality, as I have already stated. Yet the laws of England remain whole and intact, and no step has been taken, or even contemplated, towards their alteration. As for the

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[1] *Codex*, Bk. xii. 3.

[2] The second part of the second objection of the Commons offered a 'recital of the special confusions, incongruities, and mischiefs which will necessarily and incidentally follow in the time present; as, In the summoning of Parliament, and the recital of Acts of Parliament. In the Seals of the kingdom. In the great officers of the kindom. In the laws, customs, liberties, and privileges of the kingdom' (Bruce, vol ii. p. xxxvi).

further objection that a change of name will involve a change in the public seals and officers of the kingdom, the first is trivial, and the second untrue. For the seals have been changed already when the French arms were added, or rather were restored, by Edward III. I hope that accessions of territory will often compel similar changes in the future.

fol. 194. How often have the Spanish arms been altered. At first there existed only the arms of Asturias. Lions were added to mark the accession of Leon, castles for Castile, and so on for the other Spanish kingdoms. Therefore, so far as alteration of the arms and seals is concerned, there

The sixth objection.

is no cause for alarm. In fact this objection exposes the hollowness of the earlier objection against the institution of a new kingdom. For the royal seals are designed from the arms of both kingdoms, neither of which is changed or new. Both are brought into a single imperial realm by a union which is rather the reunion of two kingdoms previously divided than the creation of a new one. So also existing public offices will remain, as was the case in the Scandinavian union, in that of Poland and Lithuania, and in the recent case of Portugal. I see no reason why the Chancellor, Master of the Household, Treasurer, and other existing Crown officials, should not continue to hold their offices in England, and similarly in Scotland, as was the case in the three unions just referred to.

The seventh objection.

The same remarks apply to the objection, that under a common name public acts and records will require alteration.[1] What is there in them that will have to be altered except the king's style? And, as I have remarked already, I hope that it may often need alteration for a similar cause.

The eighth and chief objection.

But the most formidable objection is that which is urged by some people, namely, that they have sworn fealty to the King of England and not to the King of Britain.[2] Hence, they

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[1] The second part of the second objection of the Commons stated that 'acts, instruments, and forms of policy and government . . . remaining now in the name of England, upon the change would be drawn into uncertainty and question' (Bruce, vol. ii. p. xxxvii).

[2] The Commons, in the second part of their second objection, drew attention to this among the 'confusions, incongruities, and mischiefs' likely to arise (*ibid.*).

declare that if the king takes a new title, his subjects may hold themselves released from their allegiance. This objection is futile, and resembles that advanced by Sir Thomas Wyatt and his fellow conspirators against Queen Mary, namely, that they had not sworn fealty to a woman, but to a king *fol. 195.* of England; a contention which was countered by the first statute of Mary's Parliament.[1] There are, indeed, many passages in Tacitus which show that the Britons were indifferent to the sex of their rulers.[2] But the refutation of an argument such as this can be readily expressed in the form of a syllogism, whereas an argument drawn from a suppressed premiss is often fallacious and likely to deceive. The syllogism is this: The English are bound in allegiance and fealty to the King of England. This premiss is quite true. But it has to be assumed as the minor premiss that the king of Britain is not the King of England, which being evidently untrue, the fallacy of the objection is obvious.

I pass over altogether the objection urged on the ground of difficulty of summons,[3] and of the harshness of the name Britain,[4] which are not worth reading and still less replying to. The new name suggested is by no means harsh. It has a masculine ring, and can but recall to memory the ancient renown and honour of the nation. Even if it be harsh, use will soften the sound of it. Cannot those who used to be called Silures, Cantiani, Ordovices, Brigantes, Trinobantes, Segontiaci, Bibroci, Coritani, submit to be called Britons?

So I conclude that the resuscitation of the ancient name of the land does not involve the creation of a new kingdom, but the restoration of the present one to its former honour and power; and that all right-thinking men can but applaud those who are willing to make concessions in order to establish

[1] *Statutes at large*, vol. ii. p. 457. [2] *Agricola*, cap. 16.

[3] Craig refers to the alleged difficulty as to the summoning of Parliament. See above, p. 407, note 2.

[4] The fourth part of the fourth objection of the Commons was, 'that the change of the name will be harsh in the popular opinion, and unpleasing to the country' (Bruce, vol. ii. p. xxxix).

and assure a lasting friendship. As for the statement [1] that most men are so eager to perpetuate their own name that they will pass over their female heirs, even their own daughters, and constitute remoter kinsmen their heirs and successors in order to keep up the family name (which we call talliating the inheritance), let those who argue thus consider whether such a practice is not impious and presumptuous, seeing that God has prescribed an order of succession from which His own laws *fol. 196.* and those of man forbid departure.

There is no nation in Europe at the present time which has See Bk. ii. *Chron.*[2] not often changed its name, as is demonstrated with much learning by Melancthon or Peucer, and by Giraldus Lilius in his work on the migration of peoples.[3] It is surely strange, therefore, seeing that the project of union is approved of and promises so many advantages, that the idea of a common name is not popular, and that people shrink from it. Great will be our renown among foreign nations if we, sated as it were with blood and carnage, abandon even the names which hinder union, and with the agreement of both peoples and their Estates surrender them as incentives to hatred, and assume a name in common, to the end that our mutual well-being and tranquillity may be preserved for ever.

If, however, the English are so set upon the retention of their own name, we also can make our boast of it not less than they. For among us at the present time there are almost more English families than in England, where the greater number descend from Norman rather than English ancestors. In the reign of the Conqueror the English, in order to escape from his tyranny, fled to Malcolm of Scotland, who gave them all honourable estates, as Matthew Paris tells us. Both the title to the English throne and also the genuine English aristocracy passed to Scotland, and when

[1] The first point of the fourth objection of the Commons: 'no worldly thing is more dear to men than the name; as we see in private families that men disinherit their daughters to continue their names, much more in states' (Bruce, vol. ii. p. xxxviii).

[2] The reference is to the *Chronicon Carionis* by Melancthon and Peucer, published 1850.

[3] Lilius Gregorius Giraldus, *De Deis gentium*, published 1565.

Malcolm compelled the Conqueror to agree, among the conditions of peace, that all the English whom the Conqueror had driven forth should be restored to their patrimonies, many of them did not take advantage of the concession, but preferred to remain in Scotland rather than to see the Conquerer on the throne of England. In this manner some of the greatest families in Scotland had their beginning, as will presently appear. *fol. 197.*

CHAPTER X

A reply to Doleman's two contentions, that the union will have violent consequences, and will prove unstable.

Having to the best of my ability confuted or removed other objections, there remain two which Doleman advances. This man, in keeping with his bitter opposition to the succession of his gracious Majesty to the throne of England, has spared no pains in his writings to combat the proposed union of the kingdoms, as being conducive neither to the advantage nor interest of England; first on the ground of the poverty of Scotland; and secondly as being certain to have violent consequences and to prove unstable owing to our barbarous, uncivilised condition, and to our rooted hatred of the English. Of Doleman I have no knowledge outside his own writings. Some think his real name is Robert Parsons, a Jesuit.[1] This,

[1] The work to which Craig devotes this chapter is R. Doleman's *A Conference about the next Succession to the Crown of England: Divided into two Parts.* The actual author was, as Craig conjectures, Robert Parsons, the Jesuit. The work was dedicated to the Earl of Essex in a prefatorial note dated from Amsterdam on December 31st, 1593. The scope of the work is described as (1) 'Proofs and Arguments that the next Propinquity or Ancestry of Bloud alone, though it were certainly known, yet it is not sufficient to be admitted to a Crown, without other Conditions and Circumstances requisite be found also in the person pretendent'; and (2) 'the Titles and Pretensions of all such as may have Claim or Action to the Crown of England at this day; what may be said

however, is certain both from the title and tenor of his book: the person who calls himself Doleman is a Popish emissary or incendiary, working to secure for the Pope the recovery of this famous island, of which he like his predecessors despairs so long as a professor of the true faith reigns in it. But whoever the man may be, it is well known that during the lifetime of her late most gracious Majesty he published a book dealing with the question of her successor, in which he brought a number of candidates into the arena. He discusses therein the claims of each, but so belittles and cheapens the title of his Majesty as to put it far behind that of the other
fol. 198. claimants.[1] As the climax of his audacity he adds that few in England supported the king's right and title,[2] wherein the situation to-day plainly proves him a liar. For never has a

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for them, and what against them.' The claimants considered by Doleman were the 'House of Scotland, of Suffolk, of Clarence, of Brittany, and of Portugal.' In Part II. chap. 5, he adversely criticises the claims of James VI., and advances the arguments against an Anglo-Scottish union mentioned by Craig above. In Part II. chap. 10 he gives it as his opinion that the succession cannot be settled without war. On p. 200 of Part II. he expresses his preference for the candidature of the Infanta of Spain. To this work Craig replied in a lengthy treatise dedicated to James VI. on January 1st, 1603, and posthumously published in 1703 under the title *The Right of Succession to the Kingdom of England, in two Books; Against the Sophisms of Parsons the Jesuite, who assum'd the Counterfeit Name of Doleman.* In Part II. chap I., Doleman gives a useful bibliography of contemporary literature on the subject.

[1] Doleman's treatise was intended to support, though cautiously, the scheme for which Parsons after his arrival in England in 1580 energetically worked—the restoration of the old faith and the establishment of the Spanish Infanta on the English throne by the help of Philip of Spain. The arguments adduced by Doleman (Part II. chap. 5) against James's claims to succeed Elizabeth are: (1) that he was not of the House of Lancaster, but only of the House of York, whose title was inferior to that of the former: (2) that he was of foreign birth, and therefore excluded by the laws of England: (3) that under the will of Henry VIII. the House of Suffolk had a prior claim: (4) that his mother's conspiracies against Elizabeth and her execution on that account brought him within the scope of the Association of 1584 and forfeited his claim. See in answer, Craig's *Right of Succession*, Part II. chap. 15.

[2] Part II. p. 85. In the same chapter Doleman instances as general grounds for the rejection of James's claim, that (1) Scotland 'can bring no other commodity to England then increase of Subjects': (2) 'the aversion and natural alienation of that people from the English, and their ancient inclination to joyn with the French and Irish against us': (3) the 'inconveniences of bringing Strangers into England': (4) England's aversion from Presbyterianism.

prince been called to and received a kingdom with such general approval, popular applause, and rejoicing. Indeed, the whole controversy so elaborately conducted by Doleman is now settled, and he is left to the ignominy he deserves.[1]

Doleman's first argument: the poverty of Scotland.

But I must deal with his two objections, the first of which advances Scotland's poverty, and the second her rude civilisation. I admit that to pretend that Scotland is England's equal in wealth and power would be ridiculous. In wealth she cannot compare with England, and in that respect is as far behind her as England is behind France, or France behind Spain. The English, however, do not yield precedence to those countries or regard them as superior to herself because they are more wealthy. And after all, what sane man ever counted possession of wealth and riches a virtue? Is a people steeped in wealth and luxury any nobler on that account? Augustus left Rome a marble city, and the wealth of all the earth flowed into it. Yet it soon fell to the dust; while the foundations of its greatness were laid in simplicity and poverty. As Livy says:[2] 'Nulla unquam res publica nec major nec sanctior nec bonis exemplis ditior fuit, nec . . . tam diu paupertati ac parsimoniæ honos fuerit: adeo quanto rerum minus, tanto minus cupiditatis erat; nuper divitiae avaritiam et abundantes voluptates desiderium per luxum atque libidinem pereundi perdendique omnia invexere.' Juvenal says truly in his sixth Satire:[3]—

> Præstabat castas humilis fortuna Latinas
> Quondam, nec vitiis contingi parva sinebat
> Tecta labor, somnique breves et vellere Tusco
> Vexatæ duræque manus ac proximus urbi *fol. 199.*
> Hannibal et stantes Collina turre mariti.
> Nunc patimur longæ pacis mala; sævior armis
> Luxuria incubuit victumque ulciscitur orbem.
> Nullum crimen abest facinusque libidinis, ex quo
> Paupertas Romana perit.

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[1] Parsons became Rector of the English College at Rome in 1597, and died there in 1610, two years after Craig's death.

[2] Lib. i. Preface. I have corrected Craig's quotation.

[3] *Sat.* XVI. 287-95.

And again:[1]—

> Prima peregrinos obscena pecunia mores
> Intulit, et turpi fregerunt secula luxu
> Divitiae molles.

And again in the tenth Satire:[2]—

> Sed nulla aconita bibuntur
> Fictilibus; tunc illa time, cum pocula sumes
> Gemmata et lato Setinum ardebit in auro.

Livy also remarks:[3] 'Operae pretium est audire, quia omnia prae divitiis humana spernunt, neque honori magno locum neque virtuti putant esse nisi ubi effusae afluant opes: spes unica imperii populi Romani, L. Quinctius . . . quattuor jugerum colebat agrum, quæ prata Quinctia vocantur. Ibi ab legatis seu fossam fodiens palæ innixus seu quum araret' was acclaimed Dictator of Rome.

When Caius Fabricius was Censor he struck off the Senate the name of Publius Cornelius Rufinus, a man of consular rank, because he had in his house ten pounds of silver plate;[4] that is, one hundred and twenty ounces, a pound equalling no more than twelve of our ounces. So anxious was he, as a responsible official, to stem the tide of luxury in the commonwealth. Never had Rome been so distinguished for moral excellence, brave soldiers and generals; and she had also achieved the conquest of all Italy after defeating Pyrrhus. And yet, how many Londoners are there to-day who have more silver plate in their houses than had Rufinus? Philosophers tell us that poverty is the mother of the arts and virtues, wealth the parent of every vice. Certainly no observant man can fail to notice that luxury is more productive of vice than poverty is. *fol. 200.* Illustrations of the fact in the history of Britain are to be found in Gildas[5] and Bede,[6] each of whom states clearly that the Britons, by abandoning themselves to luxury, relapsed into cowardice, and so opened the island first to the Saxons and then to the

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[1] *Sat.* VI. 288-90.
[2] *Sat.* X. 25.
[3] Bk. iii. chap. 26.
[4] Plutarch, *Sylla*, ed. Clough, vol. iii. p. 141.
[5] Ed. Bohn, p. 308, sec. 21.
[6] Bk. i. chap. 14.

Danes, who encountered little resistance from the effeminate and luxury-loving natives.

Scotland, according to Pigott,[1] is the barrenest land in existence. I ask him whether Norway, Denmark, Jutland (the Cimbric Chersonese), countries to which the English themselves owe their origin, are not even less fertile? Nor, after all, is the wealth of Scotland so contemptible and her resources so much to be despised. She not only successfully resisted the wealth and power on which England so much prides herself, but also the Romans, Britains, Danes, and Norsemen, who joined hands with the English; and she did so without any extraneous help in men or money, whereas France, Spain, and England herself succumbed.

Again, we are told that we have not the means whereby to prosecute war; that money is the sinews of war, necessary for the maintenance of an army, without which war cannot be carried on. I reply, that it is not true that money is essential for the conduct of war. Did the Goths possess money, or the Huns, or the Danes who flooded Europe with war for seventy years? Scotland could put one hundred thousand spears and one thousand horse into the field under Alexander II., well armed, and resolute to die for king and country against Henry III., who pictured all Scotland his own, and had gathered a huge army from England and his oversea provinces to realise his ambition, intending to divide the spoils among his deserving soldiery, as Richard Hoveden and Matthew Paris testify,[2] both *fol. 201.*
of whom are English historians of no mean reputation. If the facts rested upon the statement of our own writers they might be disbelieved. But no sensible man will describe as barren a land which could send one hundred thousand men into battle; a land which, though two hundred thousand men were killed in the war with Edward I. (as the English historians testify[3]), still had sufficient men remaining to not only drive Edward II. out of Scotland, but also to rout him twice in England and compel him to fight for his kingdom;[4] a land which forced peace

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[1] See above, p. 351.

[2] See above, p. 250.

[3] See above, p. 252.

[4] See Boece, ed. Bellenden, vol. ii. pp. 397, 401.

upon his son Edward III., than whom there has been no king more ambitious or warlike.

All countries are not prosperous in the same way. As the poet says:[1]—

> Hic segetes, illic veniunt felicius uvæ,
> Arborei fetus alibi, atque iniussa virescunt
> Gramina. Nonne vides croceos ut Tmolus odores,
> India mittit ebur, molles sua tura Sabæi?

Scotland, too, has her veins of ore and reaps her harvest of heroes. Less fertile than England she may be, but she lacks none of the necessaries of life. Fewer of her people die of starvation than is the case in England, France, or Italy, countries in which, in spite of their opulence, one hundred thousand are said to have died at a single stroke of famine. If we are able to subsist on the food most ready to our mouths, our frugal wants should gain for us the louder praise from all right-thinking men. As Horace says:[2]—

> Pauper enim non est, cui rerum suppetet usus.

Lucan, again, with truth:[3]—

> Fecunda virorum
> Paupertas fugitur; totoque arcessitur orbe,
> Quo gens quæque perit.

fol. 202. Whatever may be said of our poverty, we can assert, as could the Lombards in days gone by, that we have held our own to this day against the richest and most puissant peoples, not by truckling to them, but by hard fighting and sheer endurance. There is no one who can boast the title 'Conqueror' over us! Our women do not indulge themselves with wine, exotic food-stuffs, spices from distant lands, so hurtful to the womb. Therefore they do the more readily conceive. Hence we boast a teeming population not surpassed elsewhere. Indeed it is naught but the fecundity of our women which makes us poor, if poor we are. For when there are several children in a family the eldest succeeds to the real estate, and the personalty is divided among the other children. Though the latter

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[1] Virgil, *Georg.*, i. 54-7.
[2] *Epist.* XII. (Bk. i.) l. 4.
[3] Bk. i. 166-8.

may not be sufficient to support their position, which they consider in no whit inferior to that of the eldest, yet they refuse to apply themselves to handicrafts or trades, regarding them as beneath their dignity. Ages ago the same trait was noted in the Germans by those reliable historians Cæsar and Tacitus, and is indeed a characteristic of proud-spirited nations. Therefore our people go out into foreign countries, where they do not find it derogatory to display their poverty. Tacitus observed the same disposition in the Germans, Caradog in the Welsh, and others in the Irish. But nowadays our countrymen have begun to accustom themselves to occupations and trade rather than to remain poor and idle. They have undoubted ability, and there is therefore reason to hope that the reproach may no longer apply to us. We lack nothing but industry and skilled workers to teach our poor men profitable trades. At any rate our poverty has never been a hardship to ourselves nor an inconvenience to other people. The pathway to eternal happiness is as easy in and from Scotland and is marked by fewer obstacles and rugged by-paths of vice than anywhere else, unless I am much mistaken.

Nowadays, to our great hurt, we are learning to condone and even to affect vicious luxuries in the guise of civilisation and good manners,[1] as in that passage of Tacitus already quoted.[2] But there is no country in which a man can live *fol. 203.* more pleasantly and delicately than Scotland. Nowhere else are fish so plentiful; indeed unless they are freshly caught on the very day we refuse to eat them. We have meat of every kind. Nowhere else will you find more tender beef and mutton, or wildfowl more numerous and of greater variety, gratifying every whim of appetite and taste. We eat barley bread as pure and white as that of England and France. Our servants are content with oatmeal, which makes them hardy and long-lived. The greater number of our farm hands eat bread made of peas and beans, and it is specially agreed in their articles of hire that they shall be required to eat no other; for any other kind of bread they consider will weaken their strength and not

[1] See Professor Hume Brown's *Scotland before 1700.*

[2] See above, p. 215.

yield them the nourishment necessary for the performance of their daily work.[1] So, though we have less money (and in that respect there is no comparison between us and our neighbours), yet we may console ourselves with the reflection, that if our means are small our needs are small also, and that unburdened with wealth we live more cheerfully and happily and with the less anxiety and care. How true are the lines of Propertius :—[2]

> Ergo sollicitæ tu causa, pecunia, vitæ es ;
> Per te immaturum mortis adimus iter !
> Tu vitiis hominum crudelia pabula præbes ;
> Semina curarum de capite orta tuo.

As Horace also shrewdly says, 'Multa petentibus desunt multa,'[3] 'Happy is the man whom God can satisfy with a sparing hand.' King Servius, who first instituted the census in Rome, freed the poor from tribute, remarking that they gave all that could be required of them if they begat children to serve in the army.[4] Tacitus records that when the Batavians were made subject to Rome, they were not required to
fol. 204. pay tribute, nor were they harassed by revenue officers. Free from burdens and imposts, they were reserved for the day of battle, as though they were weapons and armour put aside for that service.[5] Poverty, then, is the mother and mistress of valour ; for the rich, and those who prefer to take their ease in the shade, are not easily induced to undergo the rigours of war, and could hardly endure them if they were forced to the task. Indeed, if poverty be a drawback, there is compensation in the fact which Tacitus remarks,[6] that soil and climate spur the native aptitude for war. But I will say no more of this Scotland of ours in which life is so pleasant :—

> Sed tacitus pasci si posset corvus, haberet
> Plus dapis, et rixæ multo minus invidiæque.[7]

We do not mind our neighbours sneering at our lack of

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[1] See Hume Brown, *Scotland in the Time of Queen Mary*, pp. 172-4 ; and Fynes Moryson's account of Scottish diet early in the seventeenth century, in his *Itinerary*, ed. MacLehose, vol iv. p. 183.

[2] Bk. iii. *Elegia* VII. 1-4.

[3] Bk. iii. *Carm.* XVI. 42.

[4] Livy, Bk. i. chap. 43.

[5] *Germania*, cap. 29.

[6] *Ibid.*

[7] Horace, lib. i. Ep. XVII. 50-1.

wealth. For wealth and material resources are not everything; otherwise we should long ago have lost our liberty and fallen under the dominion of the English. Yet we ourselves, I grieve to say, have learnt from our neighbours to cultivate vicious tastes, and that to our great hurt.

Doleman's second argument,[1] that the Scots are turbulent by nature, and are from their cradles encouraged to hold the English their natural enemies; that they prefer the friendship of France; that if his Majesty succeeded to the throne of England he would rely on the French and Irish rather than the English; that he would advance the Scots to the chief places and gifts in his patronage in preference to the English, to the damage of that country; and that the English would not suffer such treatment—in short, that such an inborn antagonism exists between the two peoples that it is hopeless to expect them to form a friendly union.

Doleman's second argument, the rough and uncivilised character of the Scots.

As to the statement about the French and Irish and the king's reliance on them, Doleman, as he calls himself, pursues his invariable tactics. He employed every art, device, and calumny in order to prevent the King of Scotland from becoming King of England, hoping to promote the interests of the Pope. By the favour of God his majesty has been crowned King of England; but the arrangements for the safe-keeping of his person remain as before. Englishmen and Scotsmen have not shown themselves by nature irreconcilable; and the very existence of mutual interests has been sufficient to dissipate ill-feeling between them and to remove France and her friendship into the background. Why even in France, as I noticed when I was a lad in Paris, if a dispute took place between an Englishman and a Frenchman, a Scotsman would take the Englishman's part, and an Englishman would do the same for a Scot, each regarding the other's peril and welfare as his own, in spite of the fact that at home so many matters of dispute held them apart, and that, neighbours though they were, they were rarely at peace, especially when a warlike king ruled in either country.

fol. 205.

Nor is the Scottish character, as Doleman thinks, so rigid

[1] Part. ii. pp. 92-4.

that it cannot bend under the influence of friendship and kindly impulse. In the reign of Henry III. and to the beginning of that of Edward I. there was unbroken peace for sixty years. Again, from the commencement of her late Majesty's reign the Scots for forty years loyally and heartily cultivated peaceful relations with England, with the utmost profit and advantage to both countries. As to our temperament, I admit that we are quick to wrath if we think ourselves slighted or hurt. But except for provocation of that kind, I maintain that in Scotland more than in other countries you will find friendliness, humanity, and charity towards foreigners, the miserable, and afflicted. Let me give a proof from Holinshed to show how considerate we are
His Edward III. to foreigners. The Count of Namur (whom we now call the Duke of Gueldres), whom Edward III. had hired with his mercenaries to fight against Scotland, had been defeated by the Scots in a most bloody engagement, nearly all his men were slain, and he himself was made prisoner. But because
fol. 200. of his valour, and being a foreigner, the fact that he had come with mercenaries to attack Scotland was overlooked. He was set at liberty without ransom with such of his men as had survived, and was conducted in safety to the English frontier by the Earl of Moray, the regent,[1] whose excessive chivalry led him into an ambush in which he was made prisoner. Will any one fail to recognise in this circumstance the real temperament of Scotsmen and their kindly disposition towards foreigners? The darker crimes which flourish in Spain, Italy, and Greece are not known among us, and are all the more shunned because they are not specifically forbidden.

Indeed a deeper inquiry into the circumstances of our friendships and enmities will show how great is the humanity which we have always shown to the English. I have already drawn attention to Bede's statement, that the English who were driven from that country on account of their religion not only found a safe refuge with us but also the utmost material

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[1] John Randolph, third Earl of Moray. See the *Scalacronica* (ed. Sir Herbert Maxwell), p. 100.

support that our means allowed to enable them to live in the true faith.[1] Again, the Scots were the firm friends of the Britons when the latter were attacked by the pagan Saxons in conjunction with the Picts, as we learn from Polydore.[2] And consider the wars which have occurred since that time. We do not find that all of them were provoked by the Scots. It was William tho Conqueror, resenting Malcolm of Scotland's reception of and hospitality to the English exiles, who provoked a war with Scotland; for no other reason save the humanity with which good King Malcolm had treated the English. I have already told how the war ended; how as one of the conditions of peace Malcolm extorted from the Conqueror liberty to the exiled English to return freely to their homes *fol. 207.* and possessions; how the English, either from fear or hatred of the Conqueror, could not be induced to return, though the restoration of their property was promised them; and how, to avoid the sight of William reigning over them, they cheerfully and willingly remained in Scotland, where Malcolm so enriched them with land and possessions that I think I am justified in asserting that there is more of the best land of Scotland in possession of English families than between the Tweed and Humber. It appears then, that out of their kind regard for the English the Scots did not shrink from the chances of war with the Conqueror, a master of that art.

As to Rufus, what put it into his mind to fight Scotland, and the cause and motive of that war, are set forth by the English historians. Assuredly no one will lay the war to the charge of the Scots.[3] From Rufus's reign there was peace (except for the war waged by King David in behalf of Henry II., the rightful heir to the throne). But Henry himself, who, when he was knighted by David at Carlisle, had sworn that he would never seek to recover the feudatory provinces of Northumberland, Cumberland, and Westmorland (as I have already shown from William of Newbury), took possession of them after all, and when the

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[1] Craig refers, presumably, to the events following the Synod of Whitby, detailed by Bede in Bk. iii. chap. 26.

[2] Vol. i. p. 119., ed. Camden Society.

[3] See above, p. 243.

Scottish envoys demanded their restitution, answered plainly and bluntly, that he would not tolerate such a diminution of his territory. Therefore, as became a brave man, the Scottish King resorted to arms, and ravaged those provinces for their defection from him.[1] But having fallen into an ambush, he
l. 208. was imprisoned and harshly used until he surrendered the three provinces and acknowledged Scotland itself to be a fief of the English crown.[2] He was restored to all that he had surrendered, however, by Henry's son Richard,[3] who saw that he could not count on Scotland's friendship, of considerable importance to him, while he retained her possessions and violated her autonomy. In consequence the King of England won the generous good-will of his brother of Scotland, who on occasion came to his assistance. For instance, in the time of Henry III. and Edward I., King Alexander sent ten thousand Scots to the help of his son-in-law Henry in the war which Simon de Montfort and the barons raised against him and Edward. Subsequently, five thousand Scots were sent to Henry, and an equal number to his son Edward, and our countrymen lost no opportunity to show themselves genuine friends of the English.[4]

So far, therefore, our Scottish temperament does not present itself in a particularly ferocious or inhuman aspect. Doleman, in fact, has deceived himself. Nothing had been done on our side unbecoming brave men and loyal friends, nothing which, having regard for our reputation, we could have failed to do without shame and dishonour. But a sterner period followed. The royal line of Scotland failed. Twelve candidates competed for the throne and referred the decision to Edward, at that time most friendly towards Scotland. He, taking advantage of an opportunity beyond any he could have
fol. 209. hoped for, awarded the crown to Baliol, but on the condition that for the future he and his successors should hold the kingdom in vassalage of England. So enraged were the people to find themselves after so long a period of liberty

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[1] Craig refers to William the Lyon, who was captured at Alnwick.

[2] See above, p. 245.

[3] See above, p. 248.

[4] See above, p. 251.

subjected to the power of a superior, that they flew to arms, leaderless, without military discipline, a mob rather than an army. Twice or thrice they suffered severe defeats, yet they did not lay down their arms. At length they found a leader in Robert Bruce, under whose direction they not only drove the tyrant from the country, but gave the English 'tit for tat,' as the phrase is, laid waste the whole country to the gates of York, and twice defeated Edward II. and his army there. From that time, I admit, a more bitter spirit was engendered. For, breaking the terms of peace to which he had sworn,[1] and in spite of the fact that his own sister, with the countenance of the English Estates, had married the Prince of Scotland,[2] Edward III. assisted Edward Baliol to recover the kingdom which he claimed in his father's right. Edward's action and breach of faith Polydore seeks to justify by the most laboured argument. In the result, however, Scotland, after much effusion of blood, retained her independence under her own laws and kings. But the cause of that bloody war, which lasted nearly fifty years and decimated the ranks of our nobility, must be attributed to the ambition of Edward I. and not to any fault on our side.

The wondrous humanity shown by the Scots to the English in the heat of the war.

It was in the fiercest period of the war that the King of Scotland exhibited the most extraordinary humanity towards the English, in circumstances which are recorded by the English historian, Thomas Walsingham.[3] I cannot omit to mention it, in order that our neighbours may understand that even in their most deadly quarrels the Scots do not entirely denude themselves of kindly instincts, but when their anger has run its course, resume their wonted benevolent and friendly disposition. Nor in this matter is it our own historians that I rely on. King Robert of Scotland was defeated thirteen times by the English,[4] and lost four brothers, brave men all of them, who, though they were prisoners of war, were none the less shamefully hanged on the gallows by Edward I.

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[1] The Treaty of Northampton in 1328.

[2] The marriage between Johanna of England and David of Scotland took place in July 1328, a few weeks after the Treaty of Northampton.

[3] *Historia Anglicana*, vol. i. p. 142, Rolls ed.

[4] Cf. Boece, Bk. xiv. chaps. 7 and 8.

fol. 210. The Earl of Atholl, who had been made prisoner, was hanged upon a higher gallows, though he was a cousin of Edward himself, and was torn limb from limb. Fifty hostages, all of them mere children, were hanged on a single gallows. Such acts were enough to drive a brave man not only to seek revenge, but even to retaliate with equal brutality. But Robert repaired his losses and gained several victories; his well-wishers flocked to him from all sides, and at length he put all to the stake in a bloody battle with Edward II.,[1] which he won, though with the loss of four thousand of his best men. Yet, as Walsingham admits, he treated all his English prisoners with the utmost humanity, succoured the wounded, and gave them the services of a surgeon, provided all with what they needed, visited the tents in which they lay, offered them consolation, and comported himself rather as a father than their enemy and conqueror. Consequently throughout the rest of his reign the English never were willing to come again against Scotland, though their king was most unfriendlily disposed towards us. But King Robert's goodness to the English went further. For when Edward II. was visiting upon his subjects the loss of his army, condemning some to death, some to exile, many of the English, tired of his tyranny, took refuge in Scotland, notwithstanding the recent broils, and were so hospitably received, that the daughters of the brave men who had been lost in the war, and had left no sons to succeed them, married Englishmen in every case. The latter thought no more of returning to their old country, but remained in Scotland, and founded illustrious families. This is the second migration of Englishmen into Scotland. Possibly it was not so great as that in the Conqueror's time; but it *fol. 211.* sprang from the same cause, and the extent of it may not have been much inferior.

A second example of the great humanity of the Scots toward the English even at their own peril.

To another illustration of the Scottish character, at the battle of Otterburn in 1388 A.D., I draw attention in the narrative of Froissart,[2] a very famous historian of that period, a partisan of the English and, on his own admission, in their employ. At that battle, he says, each side fought with equal

[1] Bannockburn.

[2] Chap. 142.

courage though with unequal forces. Each was led by its doughtiest and most popular leader, Percy on the side of the English, Douglas on that of the Scots. So stoutly was the battle fought, that Percy and his brother were made prisoners, and on the Scottish side Douglas was slain. In spite of the loss of their leader, however, the Scots won the battle, and led back a great number of prisoners to their camp. Suddenly a new army of ten thousand men under the Bishop of Durham came in sight. Elated by their recent victory, the Scots did not hesitate to engage afresh. But fearing that their prisoners, who were almost as numerous as themselves, would break out from the camp while the battle was in progress, they deliberated what to do with them. Some were for killing them, in accordance with military practice, lest they should fall on their captors in the rear while they were facing the enemy afresh. Others thought such conduct cruel. No one was willing to be left behind to look after the prisoners. Therefore, merely exacting a promise that they would take no part against them in the impending battle, nor attempt to escape, the Scots left their prisoners behind in the camp. When the Bishop of Durham saw the Scots prepared to give battle, he withdrew without adventuring the hazard, while the prisoners left in the camp faithfully kept their oath, and surrendered themselves to their captors on their return.[1] We might search the record of the wars of the Assyrians, Macedonians, Greeks, and Romans, we might explore again and again the history of every nation, to find an instance of such moderation, good *fol. 212.* faith, and humanity between enemies. Though they had proved the victors in the previous battle, the Scots trusted their lives, their safety, and their success in the impending fight to the honour and arbitrament of an enemy still reeking with their blood. They allowed themselves to be placed

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[1] Craig exaggerates the circumstances detailed by Froissart. The slaughter of the Scottish prisoners was not mooted. The Scots did not abandon their prisoners, but 'ordred so their felde, that ther was no entre but one waye, and they sette all their prisoners toguyder, and made them to promise howe that, rescue or no rescue, they shulde be their prisoners.' Nor did the Scots move from their camp in order to meet the bishop, but awaited his attack, and drove him off by no greater effort than such a blowing of horns 'that it semed that all the devyls in hell had been amonge them.'

between their foes in front and rear, though the latter had it in their power to take them in flank while the battle was in progress, as did the five hundred Numidians whom Hannibal detached at Cannae to play the part of deserters. I assert that for a similar instance of humanity towards the Scots or any other foe we may search the annals of England in vain. Even the renowned King Henry v., after his famous victory over the French at Agincourt, thinking that the French intended to renew the engagement, ordered all his prisoners to be put to death, which was forthwith done as a cruel but necessary military expedient. Let the fair-minded reader judge for himself which of these actions was the more humane and the further removed from uncivilised conduct. As to the former, unless I am woefully at fault, I do not believe that even among peoples most closely united in friendship such an example of humanity on the one side and good faith on the other could be found; nor is it easy to determine which side adhered more faithfully to its promise.

The same characteristic is found in the duel between Lindsay and Matthew Reedman, which Froissart also describes;[1] wherein both men exhibited such perfect honour that it is difficult to resolve which was the more indebted to the other's courtesy. And yet, forsooth, Doleman states absurdly that the Scots cannot reconcile themselves to the thought of friendship with England; that they are turbulent, uncivilised, and animated by bitter hatred towards Englishmen. At the present time it is our neighbours themselves who refuse to meet half way our proffer of friendship, and cling to the memory of bygone feuds. I will add yet one more example of our consideration towards foreigners; but look back for it to page [205], at the words, 'The Count of Namur.'

fol. 23 I am of opinion that the invariable cause of war in Britain has been the fact that England would not brook an equal in the island, nor Scotland a superior. Pride alone has been the cause of the wars and disagreements that have occurred.

[1] Chap. 142. Flying from Otterburn Sir Matthew Reedman was overtaken and made prisoner in single combat by Sir James Lindsay. Lindsay allowed Reedman to proceed on parole to Newcastle, but being himself shortly after made prisoner by the Bishop of Durham, was also brought thither.

Doleman[1] even finds an argument against the Scots in the fact that, after pledging themselves to accept Edward I. as their king, they broke faith with him. If he can find proof in any writer whatever that the Scots ever accepted Edward I. as their king, then I will admit that he has proved his case. Polydore states expressly that the people of Scotland refused to endorse John Baliol's action, and took up arms to maintain the independence inherited from their forefathers. Matthew of Westminster states that Edward's influence in behalf of Baliol's candidature was won corruptly.[2] So long as Edward treated us in friendly fashion he found us faithful allies and had our help against the Welsh. But when he claimed to rule us as his subjects, he roused a bloody war, which only the loss of three hundred thousand lives could extinguish. And why does Doleman instance our relations with Edward I. rather than with his father, the noble prince, Henry III.? The latter received the effective and loyal service of a Scottish force from his son-in-law Alexander, in the civil war against Simon de Montfort and the other barons, and also against the Welsh.[3] I do not wish to reopen a wound which time has healed; but anyone who reads the English historians, Hoveden or Walsingham, cannot fail to agree that the bitter war between England and Scotland had its origin in the insatiable ambition of Edward. And if we study the period following Edward III., we shall not find that the relations of the two countries were of that bitter character which exists between irreconcilable foes. They did not fight for their very existence, but for the love of conquest. They were rivals in military prowess only; nor were they swayed by sterner impulses save at the bidding of their ruler. Men slew and were slain in actual fight; but few lost their lives while fleeing from the battlefield. Those who were made prisoners were sent home on their promise to pay a ransom on a stated day, or in default, to surrender themselves to their captors. No sureties were demanded. No pledges or cautionary bonds were asked for beyond the word of the prisoner. If

Page 470, column 2.

fol. 214.

[1] *Op. cit.*, Part ii. p. 92.

[2] Edward's dealings with Scotland are detailed on p. 414 of the Frankfort edition of 1601.

[3] See above, p. 251.

the latter broke his word, then, in token of it, a gauntlet was sent round on the day on which his surrender ought to have been made, as was the custom of the Border, as a mark of public infamy. The man thus branded had either to clear himself by single combat, and thereby prove that he had been wrongly aspersed; or else, as a man disgraced, he forfeited intercourse with his friends. Such was the merciful practice of war on both sides of the Border at that period. Yet the monks in their monasteries and the inhabitants of the midlands, who have never seen war—I include Doleman in this category—picture the Scots as tigers, vipers, cannibals, devoid of all civilised instincts, and strangers to polite learning and accomplishments.

Druing the whole period from Edward III.'s time to our own there have been only two serious wars between England and Scotland. The first was fought at Flodden, and the blame of *fol. 215.* it is laid by our neighbours on James IV., whom they assail with the utmost vituperation as a faithless treaty-breaker. But the blame does not rest with that brave king; though his rashness and error (I will use no harsher word) caused the catastrophe. Considerable ill-feeling existed between him and Henry VIII., and, as was invariably the case, was founded on the slighting attitude of the English king. For Henry held the King of Scots, and his threats and hostility also, of too little account to turn him aside from his contemplated war against France. Such an attitude outraged a proud spirit impatient of contempt, and Flodden field was the consequence. The battle was fought with the most dogged persistence on both sides. But the English won the victory, if it can be called one, by an unworthy artifice rather than by might of arms. It had been the invariable military practice of the Scots for the king's vassals to attend him in the field at their own charges, and to remain with the army for forty days. It is a custom which originated in the feudal system and is known to the English and many other nations. The prescribed period had passed, and the Scottish army was melting away unpaid and unfed. Surrey, well aware of the fact, did not cease to ply our brave king with raillery and sarcasm, hoping to goad him to action, know-

ing full well that hardly one-third of his army remained with him. Thereupon King James, hot-tempered, openly declared that if every one else deserted him, he and his nobility alone would avenge the insults which Surrey had heaped on him. Eventually he gave battle in spite of his inferior numbers. For in the Scottish army, as I have heard from a reliable man who fought in the battle, there were barely eight thousand men present, though they were of the highest birth in the land.[1] So, being out-numbered, they were conquered, though not many of them were killed.[2] Surrey, for *fol. 216.* all that he was the victor, withdrew his damaged army and did not venture to cross the Border,[3] since he was aware that fresh levies of Scotsmen were coming to fight in behalf of their king.

The second and more momentous battle was fought at Pinkie. The cause of it is to be found less in the perversity of the commonalty than in the ambition and scheming of the clerical order. For the reformed religion had been established in England and the Romanists brought to order, and our prelates feared that Scotland might undergo the same discipline in consequence of the marriage between the rulers of the two kingdoms. They did not cease, therefore, to set themselves against the projected treaty of peace. Hence the renewal of the disastrous war. In a disadvantageous position the Scots gave battle to the English, and after routing the entire force of English cavalry, fled panic-stricken. as 'those who flee where no man pursueth,' though the English, terror-struck by the loss of their cavalry, were meditating retreat.[4] It is to be confessed, therefore, that if we were blameworthy for bringing on the battle, we paid dearly for our fault. As Lucan says:[5]—

Perdita nunc urbi nocuerunt secula.

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[1] Craig's reliable warrior greatly underrates James's strength. See the accounts of the battle in Gregory Smith's *The Days of James IV.*

[2] Here also Craig is not accurate. See Gregory Smith, *op. cit.*

[3] See Lang, *History*, vol. i. p. 381.

[4] Craig's outline of the battle is not correct. See Lang, vol. ii. p. 10.

[5] *Phars.*, iv. 816. Craig presumably quotes from memory.

Doleman further states, that should a Scottish king reign in England, he would show himself partial to his countrymen, and would load them with the gifts and patronage in his power, to the impoverishment of England.[1] That indeed is the view generally held, and His Majesty is supposed to have showered wealth upon the Scotsmen who followed him to England. But in this matter His Majesty has acted in no way unworthily or otherwise than in conformity with the custom of other nations. When the Emperor Maximilian married Mary, the daughter and heiress of Charles of Burgundy,[2] he greatly enriched the Germans, who had accompanied him to swell the pomp of the marriage ceremony, with gifts from
fol. 217. the public exchequer, to the great indignation of the Burgundians. Charles v. also, when he came from Belgium to take possession of the throne of Spain to which he had succeeded, bestowed such liberal gifts on the Belgians who accompanied him, that he nearly caused a rebellion in Spain.[3] Need I refer to William Rufus or Henry II., who at the beginning of their reigns lavished gifts upon those who had aided them? Omitting other kings, one may instance the case of Henry III. He, upon his marriage with the daughter of the Count of Provence, presented to her countrymen such a large number of presents and public offices, that he roused the utmost outcry from his own subjects. He loaded the latter with taxes and burdens, and employed numberless expedients for filling his treasury, in order to find the means for his largesse. It is in fact the custom for all who succeed to a new kingdom to show themselves munificent and generous at the outset, particularly to those who honourably attend them on the assumption of their new dignity.

It shows very imperfect knowledge, therefore, to pour complaints of this and a similar kind into the ear of the public, and not to take into account the heavy expense which so many noblemen have incurred in order to furnish themselves adequately to attend the king. Many of them,

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[1] *Op. cit.*, Part ii. p. 93.

[2] The marriage took place in 1477.

[3] Charles arrived in Spain in 1517. See *Cambridge Modern History*, vol. i. p. 370 *et seq.*

indeed, have adventured a large part of their patrimony and are still in debt. Nor have they so far participated, as they hoped to do, in the royal bounty. There are others who would not accept it even if they were offered it. Is it then a matter for comment if the king has enriched four or five Scotsmen? Is it a strange thing for him to have rewarded, being himself in richer state, men whom he has been familiar with from childhood, men who have expended their patrimony in his behoof, and on whose service he still relies? Let cavillers take into consideration the amount of wealth which has been brought into England almost every month since the king's accession, and is still being imported thither and consumed, and let them make an end of their carping. *fol. 218.* Nearly the whole of our nobility is wont to resort to the king each year, some to bask in the light of his countenance, others to lay their grievances before him. And seeing, unless I am shrewdly in error, that nothing is to be obtained in England without spending money, whatever wealth Scotland possesses will soon be almost entirely transferred to England. But I shall deal anon with the benefits which accrue to England from the proposed union.

CHAPTER XI

Of the advantages of union, and especially such as will enure to England therefrom.

Cicero has written, that in all their purposings men should *De Officis* Bk. ii. weigh two considerations especially; namely: Is the contemplated action honourable? Will it prove beneficial? Cicero's rule would have been perfect had he added a third consideration, namely, Is the proposed course in conformity with religion and the law of God? though some there may be who confuse religion with equity and equity with what is honourable. There can be no doubt that the proposed union will follow the special injunction which our

Lord gave as his last legacy to His disciples, and through them to all Christians, namely, to love one another. 'A new commandment I give unto you,' He said, 'That ye love one another; as I have loved you' (meaning that He had laid down His life for them). 'By this shall all men know that ye are My disciples, if ye have love one to another.'[1] Again in the same sermon, looking upward to His Father, He prayed that His disciples and those brought by them to believe on Him might be one in Him, as He and the Father were one: 'I in them, and Thou in Me, that they may be made perfect in one; and that the world may know that Thou hast sent Me, and hast loved them, as Thou hast loved Me.'[2] In the Psalms the dwelling together of brethren in unity is likened to the dew of morning (so precious to the Jews), and to costly ointment, its promised reward being the Lord's 'blessing, even life for evermore.'[3] Some men hold that that only is laudable, upright, and honourable which tends to promote the interests of the kingdom. But honourable and Christian men will esteem the blessing of the Lord of greater moment than worldly advantage, seeing that it offers reward in this world and happiness hereafter. And, to look at the other side, how terrible are the threats of God against the impious. If we retain a spark of religious feeling, it cannot fail to move our hard hearts against the crimes and provocations of the past; for God threatens to rain upon the ungodly 'snares, fire, brimstone, storm, and tempest.' 'This,' says God, 'shall be the portion of their cup.' Good men would not draw down upon themselves such a curse even if the prize were the infinite worlds of which Democritus dreamt. Let us therefore, eschewing doubt, strive to earn God's promised blessing, doubting no-wise of its fulfilment, and valuing it above all mundane advantages. Yet nowadays there are many persons who are careless of considerations of religion, and even of the injunctions of God, men who measure public action by the standard of advantage. Let us there-

The union is perfectly consistent with the promptings of humanity.

fol. 219.

Psalm xi.

[1] St. John xiii. 34-5.

[2] St. John xvii. 23. This appears to be the verse in Craig's mind.

[3] Psalm cxxxiii.

fore consider some of those other considerations which determine human actions.

The chief points for consideration, according to Cicero, are two; whether a course of action is just and honourable, and whether it is advantageous. In the case before us there is no need to distinguish the more honourable of two honourable, or the more advantageous of two advantageous courses. For there is no other candidate who can produce a better or more equitable title to the united throne of Britain, or one more beneficial and salutary to its interests. In the present case, therefore, we have to consider simply the point of honour and advantage. Now it is precisely considerations of honour and equity which have raised His Majesty to his present position. No other course consistent with the immutable laws of honour and justice could have been taken. The sole question for us therefore is, whether His Majesty's accession to the English throne and the resulting union of the two kingdoms is of advantage to both. To follow Cicero once more: when men discuss the question of utility, they measure it according as the course proposed contributes to the conveniences and amenities of life, the material resources, wealth, power and service of the community. On such considerations, says Cicero, men determine the question of advantage. Let us take them one by one, and inquire whether the conveniences and amenities of life, the dignity, resources, wealth, power, in short, the general interests of England, have been enhanced by the union of two kingdoms once hostile. *fol. 220.*

Life is made pleasanter for both nations by the union.

There is nothing which so much contributes to the amenities of life as brotherly concord and amity. It is a pleasant thing, as the Psalmist says, for friends and neighbours to live together in brotherly love: 'Behold how good and how pleasant it is for brethren to dwell together in unity.' There is no situation more unpleasant and miserable than that of constant warfare, and still more, of civil dissension; to see what is our own taken from us, our cattle carried off, our houses and towns burnt, our brethren and kinsmen slain, our wives and daughters violated. In time of war such things

Psalm cxxxix.[1] *fol. 221.*

[1] The correct reference is to Psalm cxxxiii.

are bound to happen, and one injury and insult begets another. On the other hand, if the whole island is once wrapped in peace and security, dissensions will cease; disturbers of the realm, and those who live by rapine on the Borders, will be restrained. 'Bellum,' says Festus, is derived from 'bellua,' because in war men destroy each other like brutes. However, volumes have been written on the merits of peace and the evils of war. It suffices for me to point out to my reader that peace, tranquillity, and general security are bound up with the union which we are considering. Indeed the one word 'peace' is sufficient for my argument; for as there is no good thing on earth which is not the offspring of peace, so there is nothing bad of which war is not the begetter. Crœsus, King of Lydia, when he was made prisoner by Cyrus, expressed his preference for peace over war by saying that in the former children bury their parents, and in the latter the parents their children. Indeed, if we adopt the principle of the Twelve Tables, *salus populi suprema lex*, as guiding the conduct of human affairs, what possible benefit can accrue to a people from war?

Whence 'war is derived.'

A notable saying of Crœsus, King of Lydia.

Drances in Virgil, *Æn.* xi.[1]

> Nulla salus bello pacem te poscimus omnes,
> Turne, simul pacis solum inviolabile pignus.

Or with greater truth, as Æneas himself says:—

Æn. ii.[2]

> Una salus victis bello sperare salutem.

It is peace, therefore, which assures public quiet and tranquillity. War with a foreign foe, or worse still, intestine strife, is altogether ruinous. For if we regard the interests of the commonwealth, never is it so flourishing as in times of peace. Is there anything, on the other hand, that more tends to its hurt than civil strife, such as we read of between Marius and Sulla, Pompey and Cæsar, Octavius and Antonius and Lepidus? Had these wars ever any other result than the overthrow of the commonwealth? What a pitiable spectacle would it be for Britain, the mother of all, to witness the

fol. 222.

[1] Lines 362-3.

[2] Line 354. I have retained 'bello,' which is necessary to make Craig's quotation pertinent. The correct word is 'nullam.'

self-slaughter of her sons, as happened in the case of Eteocles and Polynices.[1] What a tragedy it would be in a single state, as Britain is, if the members were tore each other apart, and the head were at enmity with the hands and belly. The tutelary goddess Safety herself could not, even if she wished it, preserve a charge so divided and torn by dissension. In a word, war is the epitome of every evil, of every misery. But Almighty God, pitying our former condition, has now united the inhabitants of Britain as one family under one father, and there is reasonable hope that the land will enjoy everlasting tranquillity and rest.

To turn to the interests of private individuals. They surely cannot suffer if the general weal is advanced; for quietude breeds harmony and concord among fellow citizens, and encourages all that is lovable and laudable in mankind. Well has Aristophanes written in his *Islands*: 'Fool! fool! All these advantages are found in peace: to live on one's farm in the country, far from the turmoil of the market-place, with a yoke of oxen of one's own; to hear the sheep bleating, and the sound of the wine-lees being strained into the pan; to enjoy dainty dishes of finches and thrushes, and to have no need to wait for dear fish from the market, caught the day before yesterday and weighed by the unrighteous hand of the fishmonger.' In the same volume of Stobæus [3] Bacchylides is more penetrating in his picture of the blessings of peace: 'Peace, mighty goddess, brings forth wealth for mortals, and the flowers of honied song; her gift it is that the thigh-flesh of oxen and of fleecy sheep is burnt to the gods in the yellow flame on carven altars; and that youths disport themselves with bodily feats, and with flutes and revels. The webs of red-brown spiders are on the iron-bound handles of shields; sharp-pointed spears and two-edged swords are a prey to rust. No blast of brazen trumpet is heard; sleep of gentle spirit that comforts the heart at dawn

Aristophanes, *Fragmenta*, Stobæus 53.[2]

fol. 223.

[1] See above, p. 233.

[2] The passage will be found in Stobæus, ed. Gaisford, vol. ii. p. 405.

[3] See Stobæus, ed. Gaisford, vol. ii. p. 402. I give the translation from Jebb's *Bacchylides*, p. 411.

is not stolen from the eyelids. Joyous feasting abounds in the streets, and songs in praise of youths flame forth.'

Virgil also has pointed out the disadvantages of war in the following lines:—

Georgics, Bk. ii.[1]

> Quippe ubi fas versum atque nefas : tot bella per orbem,
> Tam multæ scelerum facies, non ullus aratro
> Dignus honos, squalent abductis arva colonis,
> Et curvæ rigidum falces conflantur in ensem.

When the poet speaks of honour as due to the plough, seeing that we draw from it our means of livelihood and clothing, he means that war deprives us of our every means of subsistence.

So much as to the advantages to individuals which follow when the commonwealth is at peace. Time indeed would fail me were I to set forth fully the advantages of peace and the disadvantages of war. Few authors have dwelt at length on the subject: for the matter is one less for reasoning and argument than for the exercise of common sense; and as Aristotle says, the whip is more effective than reasoning with those who stand aloof on points on which others are agreed. The advantages of peace and discomforts of war are sufficiently known to those who live on the borders of the kingdoms, whose bravest have been victims of war, their most fertile fields uncultivated, their cattle raided and carried off. There is not a man between the Forth and York who has not experienced at one time or another the advantages of peace and *fol. 224.* the evils of war. Dwellers on the banks of the Thames and in the midland counties of England may lightly regard such considerations; though in the year 1588 the south of England experienced a similar panic.[2] Perhaps our neighbours hold that danger at the hands of the Scots is not likely to be encountered. In that case they should bear in mind the frequent exactions, taxation, and burdens to which they have been subjected in order to quell the rebellions (as they term our wars against them) of the Scots, and to accomplish, as they anticipated, our easy extermination. They have been taught

[1] The correct reference is to *Georgics*, Bk. i. 505-8.

[2] The Armada year.

by the monkish chroniclers of St. Albans and Westminster to picture Scotland as no more than a single day's booty, though up to the present their attempts to acquire it have been unfortunate and fruitless. So much upon conveniences and amenities, the first point for our present consideration.

The question of dignity comes next. Up to the present time could anything have been more damaging to the name and fame of England than her relations with Scotland? At the battle of Creçy she routed single-handed the powerful King of France as well as [*lacuna*] who were his allies in the fight. Yet here in the same island she is neighboured by another kingdom, vastly her inferior in strength and resources, unprotected by any intervening sea, mountains, or rivers, a kingdom as illustrious as her own and rivalling her in antiquity and renown, which after all these centuries she has not succeeded in taming or reducing to her power. That very kingdom, Scotland, which has in the past been such a thorn in her side and so often has frustrated her designs, she now has the opportunity to bring, if not under her own rule, at least under the same rule with her. Such a chance ought to be regarded as singularly fortunate and happy. To make *fol. 225.* my point clear, let us, omitting the earlier period, follow events from the Conquest to the present time.

It is indisputable that the Conqueror and his successors, Edward I. especially, spared no effort to make Scotland their own. To that end the English kings concentrated all their energy and resources. In the case of Henry II., and still more of Henry III., I have proved the statement from the pages of English historians.[1] Henry III. assembled at Newcastle the power of England, Flanders, Hainault and his transmarine provinces, in order to subdue Alexander II. He found him with a powerful army drawn up in battle array on the banks of the Tweed. But on the intervention of the bishops a war so prejudicial to the interests of both kingdoms was averted; peace was made, and a marriage was contracted between the daughter of Henry and Alexander, Prince of Scotland, the son of Alexander II. Henry's son, Edward I., spared no pains in

[1] See above, pp. 245, 250.

order to secure for his son, Edward II., the hand of Margaret, the heiress of the Scottish throne; it being agreed on both sides that should the latter die without children, the Kings of England should advance no manner of claim upon Scotland or her independence. The agreement appeared to be in the joint interests of both kingdoms, and promised to enhance their dignity, resources, and strength. But Providence did not see good at that time to allow the agreement to take effect, and deferred the union to a time more suitable. For Margaret died before the proposed marriage, and Edward by force of arms endeavoured to realise the hopes of which her death had cheated him. Then arose twelve noble competitors for the

fol. 226. Scottish throne, or three, as our historians hold. Edward, having been appointed arbiter, seized the occasion to make a pact with John Baliol wherein the latter recognised him as King of Scotland. The Scots were deeply angered at this, and eventually took up arms. Three or four times they pitted their full strength against Edward, encountered crushing defeats, and after Baliol and many who followed him went over to the English, fought without a leader. Scotland was broken up into many factions, some of which fought on the side of the English. It is astonishing how loudly the English boast of Scottish armies defeated, the number of the slain, and their own victorious march through the country, when in fact Scotland was without a king, and it was left to the commonalty, impelled by their impatience and hatred of slavery, to conduct a promiscuous campaign without a leader or military discipline. In these circumstances Edward was able to make a great part of Scotland his own. But his ambition was frustrated by his death after he had reached Carlisle, to blot out, as he intended, all that remained of Scotland's name.

Edward II. followed the same path and invaded Scotland with yet greater forces. He not only suffered a bloody defeat and was driven out of Scotland, but was twice compelled near York to defend England itself. Indeed the valour and warlike renown which distinguished the Scots at that time may be read by our neighbours in Thomas Walsingham, one of their own historians. After the death of Edward II., his son,

His Edward I. (at the end), and Edward II.

Edward III., the most successful in war of all the English kings, followed his father's footsteps and policy. He was compelled to leave Scotland her liberty, though he kept in captivity for ten years King David, who had been defeated and taken prisoner in battle. There perished in these wars, if we accept the calculation of English historians, above two hundred thousand Scotsmen. The Romans in the Second Punic War did not lose as many. It is probable that England lost as many men, seeing that in the result the Scots were the victors and restored to Scotland her ancient boundaries. The war lasted for [*lacuna*] years, and after it Scotland enjoyed a greater measure of peace. Excepting Pinkie there were few battles in Scotland, though in England fighting was more frequent. *fol. 227.*

It is better and more advantageous for the English to secure Scotland through this union than by conquest.

Now what was the object of all this fighting? If they were given the choice to-day, what would the English rather choose than to make themselves masters of Scotland and to rule it as conquerors? Yet how much better than conquest is the present means of union? What conveniences and advantages could our neighbours have obtained from the conquest they vainly sought which are not now amply secured? At this moment the King of England can count on the obedience of all Scotland, which is ready to serve him loyally in all things. Every man and thing in Scotland is at his behest. Our neighbours, however, may think that it would have been more satisfactory and agreeable to be able to speak of 'conquest,' had they been able at any time to treat Scotland in that way. But let us consider what benefits and advantages would have resulted if they had achieved that ambition. In the first place, conquest could not have been achieved without bloodshed, and the victors would have ruled over unwilling and resentful subjects. Such a situation could not have been permanent; for force on the one side and fear on the other are not the foundations on which a permanent structure can be reared. Every four years Scotland would have sent forth fresh bands of her youth to renew the conflict, as happened when the Pictish kingdom was destroyed,[1] and

[1] See Boece, Bk. x. chap. II.

after the victories of Edward I.; for, as history shows, no one will consent to remain in a situation disagreeable to himself. But in the present circumstances the Scots have loyally united with the English as one people. Their old feelings of hostility have been put behind them for ever, and there is no breach of the prevailing amity to be looked for
fol. 228. from their side. For they have never failed in their loyalty to their king and his descendants from the time of Fergus, who is said to have been the first to reign over them. True, there have often been rebellions and quarrels, and now and then kings have been removed justly or unjustly; but the nearest in blood has always been substituted, and there has been no interruption of the royal line. We hope that our neighbours will act with similar loyalty so long as the line of his present Majesty continues.

Peace and assured friendship could not have resulted from a conquest or enforced subjection comparable to that which attends the equality of status and outlook produced by the union of the royal lines of the two kingdoms. And after all, the union will not differ greatly from a conquest in its results. No prince born in Scotland will ever rule that country after the prince, his majesty's son. Our kings will be Englishmen, born in England, residing in England. They will naturally prefer Englishmen as their attendants and courtiers. Even His Majesty, though a Scotsman born, is under great obligation to the English, and must discharge it by some means or other. He may be able to extend his bounty to the Scots at present in his suite. But those who succeed them will have little chance of royal favour, since Englishmen, by whom he will chiefly be surrounded and advised, will be able to influence the king to admit or reject them. It is, therefore, probable that the royal favour will be secured by the English chiefly for their own kinsmen, relations, and countrymen, seeing that through them only will the way lie open to honours, public office, and rewards. Every avenue will
fol. 229. be closed to the Scots save such as money can open, and our countrymen will be of little account. London will be the seat of the Court and the capital of the whole island. Thence for the most part will the laws that govern us proceed. If any

difficulty should present itself, to London we must look for direction, and refrain from action until we learn the views of the king and his counsellors in the capital. Towards London the wealth of Scotland will flow. Voluntarily, therefore, and in the friendliest spirit, we yield to our neighbours in this union terms such as they could not have obtained save as the result of the bloodiest war and most conclusive victory. They are the gainers also by a mutual renunciation of feuds and quarrels. I repeat therefore, that what they gain from union is far in excess of what the most decisive victory could have given them. They will be able to make use of our entire resources, such as they are; whereas had they become the spoil of a rapacious soldiery they would have contributed nothing to the public service. Our houses, towns, noblemen's mansions and country estates, however populous and flourishing, would have been ruined and defaced by fire and plunder. But now the English are free to enter them, and will encounter hospitable treatment and entertainment in them, and also find suitable marriages for their daughters. And I express my deep conviction, that, unless I am greatly mistaken, nowhere in the world will you find a country in which life is more grateful and pleasant, where men can more easily obtain what they need, than in this Scotland of ours. I conclude, therefore, that the English would have secured by conquest nothing which to-day is not theirs absolutely without war and bloodshed, without envy and reluctance on our part. That they may enjoy these blessings perennially is our earnest prayer.

Englishmen may object, that under a union Scotsmen will become eligible for public positions, honours, and ecclesiastical preferments from which otherwise they would be barred. But their exclusion from them would have been a continual source of enmity, and the argument itself is ill-founded. Edward III., *fol. 230.*
in order to attach to his interests that part of Scotland under his power, allowed Scotsmen there the same privileges as the English. The Romans were at first unwilling to share public honours with the Latins and to throw open the consulate to them. Hence arose a serious and critical war between the Romans and the Latins, and eventually the Latins and also the Campanians (who after their base

desertion to Hannibal had lost their Roman citizenship) were frequently appointed consuls, as Silius Italicus testifies.[1] In the time of Claudius Cæsar even the Gauls who burnt Rome were granted the rights of citizenship, and became eligible for seats in the Senate and for magisterial posts. It has indeed been the invariable practice among all nations, whenever new territories have been added to them by process of union, acquisition, or conquest, or when their inhabitants have sought the protective alliance of a powerful neighbour, to admit them on equal terms to honours and positions of dignity, civil and military. Otherwise to call them subjects would be absurd, they not being on a footing of equality with the rest, a distinction likely to tempt rebellious motions.

There is nothing, therefore, which the English would have gained from an out-and-out conquest which does not enure to them more completely and satisfactorily from the present union. By the accession of Normandy England was held to have received a great addition to her power and dignity : to maintain the connection and to recover it was her utmost care : one army after another was spent in the endeavour : very heavy sums were incurred. And yet the effort failed ; for Normandy was separated from England by the Channel, but it was contiguous to and part of France. Whereas, therefore, the French could reach it at their pleasure, England could
fol. 231. only send succours thither with difficulty, and ships, men, and money were not always forthcoming when they were needed. Eventually therefore Normandy was lost. This consideration also weighed : the Normans spoke the language of the rest of France, and for that reason were with the greater difficulty held to England, whose speech they did not understand, a fact which invited them to break apart. Such was the case also in England's other transmarine provinces, Aquitaine, Poitou, Maine, and Anjou. They therefore also seized their opportunity to break loose from England, and saw no wrong in so doing ; seeing that it was to their own countrymen that they were drawn, Frenchmen like themselves, and to their liege and feudal superior ; for those provinces were held of the

[1] In his *Punica*.

French king. But in Scotland the position is very different. She is deeply attached to the royal house, towards which she has never been and is never likely to be guilty of defection. Our two nations use the same speech or idiom. The present union has therefore the appearance of a natural coalition. Should disturbance break out in any quarter there can never be the slighest difficulty in quelling it. Ships, arms, soldiers, and supplies will be instantly available. Nor is there either river or mountain barrier to prevent armies or civilians from passing freely between England and Scotland.

England will also gain a very distinct accession of dignity from her union with the oldest monarchy in Christendom. I assert the fact without disparagement of any. For it is well known, that long before Pharamond arrived in France,[1] Scotland was ruled by her own kings. History proves the fact, as I have shown already. The Spanish monarchy is to-day the most powerful of all; but it is not many years since it was wrested *fol. 232.* from the Saracens, and it has been moulded into a single kingdom almost within the last hundred years. The German empire dates from Charlemagne. Poland and Hungary are of yet more recent origin. Nobody therefore will deny that Scotland is the oldest kingdom in Europe. Though it is inferior to many in its resources, yet it has sufficient for its wants, has the means to damage its enemies, and its friendship has been sought and warmly cherished by the most powerful princes in Europe. I remember to have read in the statements of Scottish ambassadors to the Pope and Œcumenical Councils, that English and Scottish ambassadors often quarrelled on the question of precedence, one asserting the power and the other the antiquity of their respective states, and neither consenting to give place to the other. In consequence, in ambassadorial assemblies the one or the other would refuse to take his seat, lest he should prejudice the dignity of his sovereign by accepting the second place. I have already discussed the question whether precedence is due to wealth before antiquity, and thereon I appeal to the usage of the English themselves.

Our neighbours, so it appears, are in a position on which

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[1] His legendary reign is dated *circa* 425.

they may heartily congratulate themselves. They have acquired the most ancient monarchy in Europe and have done so without shedding a drop of blood. The blemish caused by the Saxon incursion and Norman conquest (it being usually rare for power gained by force and violence to be lasting) has been amply condoned by the accession to the English throne of one who, besides being the rightful heir of the Saxon and Norman lines, represents in his person the line of the British princes. For His Majesty is their rightful heir through Ada, the sister of the British kings Aurelius Ambro-

fol. 233.

sius and Uther, both of whom died childless.[1] Ada, as I have already stated, married Conran, King of Scots, in order to strengthen the alliance between the Britons and the Scots for the expulsion of their common enemy, the Saxons, who had marked out Britain for themselves and their descendants. His Majesty is also the heir of the English, whose kingdom the Conqueror suppressed; for he is the descendant of Margaret,

The union settles all disputes about the succession.

grand-daughter and heir of Edmund Ironside. Her brother, Edgar the Etheling, was intended by Edward the last Saxon king to succeed him on the throne, seeing that his grandfather Edmund had unjustly been cheated of it. Our neighbours therefore should not fail to embrace the present union, and to settle it firm and inviolable. For by it not only is the union of England and Scotland secured, but the flaws in the Saxon and Norman titles are made good, and England's mighty kingdom passes rightfully and peacefully to its lawful prince and heir. Controversies, dissension, faction, and hatred, which aforetime have embittered the relations of the two countries, will also vanish now that the kingdoms are one. Friendship will take their place, and will promote such an identity and union of interest between them that in course of time the two countries will become indistinguishable. Security will rest upon their subjects and inhabitants, and their enemies will regard them with fear. On the other hand disunion must always induce famine, fire-raising, bloodshed, robbery of flocks and cattle, pillage of property, and the ruin and devastation of the

[1] See above, p. 265.

land. But under a union the shelter and impunity accorded to malefactors, and the consequent prevalence of acts of robbery, will no longer continue. An end will also be put to the wrong-doing and oppressions of the nobles, whose wont it is to lose no opportunity to avenge themselves on those whom they regard as having injured them, and to send out thieving *fol. 234.* bands of their followers to carry off the goods of those who have incurred their resentment, whereby the public peace is often broken.

So much as to the advantage, convenience, and satisfaction which the English will derive from this union. Not only do they secure the inestimable blessings of peace, which I have not attempted to, nor can I sufficiently, display; but they secure without a blow a coveted kingdom which earlier kings of England have shown themselves eager to gain, for whose acquisition they have spent much effort and have vainly encountered perils in the past, and to the same end would doubtless have made equal exertions in the future.

Scotland's gain in the union.

Consider next the position from our point of view. We also cannot fail to reap advantage from a mutual peace; for there is not a nation on earth whose enmity can cause us so many ills and their friendship so many advantages as the English. The union gives us Scotsmen the happy spectacle of a monarch ruling over the whole of Britain, whose forbears were Scotsmen and for Scotland's honour have over and over again shed their blood and endured the utmost misfortune, as their descendants would also do. Had any of the candidates whom Doleman names, along with the arguments supporting their pretensions, proclaimed his right to the throne, challenged the validity of His Majesty's succession, or supported his own claim by show of force, would not every true Scotsman have flown to arms to defend the right and title of his lawful king? It may be admitted that the result might have been doubtful, unless the English had sided against us. But granted that our cause was beaten, could the other side have won without bloodshed? *fol. 235.* Men who fight for kingdoms do not enter on the struggle in that spirit. Can it be supposed that a single battle would have determined the issue, or that a single fight would have disposed of it? Even if our opponents had proved the victors,

they would still have been compelled to face many difficulties, and to devote much labour and expense to maintain their success. As it is, without trouble or hasard on their part, Scotsmen have seen accomplished what they were ready at great effort and expense to secure; namely, the rightful accession of a king of their own race, nurtured in Scotland, to the distinguished throne of the English, at whose hands they can look for considerate treatment and need fear neither trouble nor hurt for the future.

The English, then, find themselves to-day possessed without effort, and by a beneficent and most agreeable accident, of a kingdom which they have ardently coveted. On the other hand, Scotsmen see on the throne one whose accession they anxiously longed for, and would have supported at whatever hazard. I need say no more regarding convenience and amenity, considerations which Cicero places first in his determination of utility. At the same time I may point out that in this respect our neighbours are much better off than we are. For to them must naturally fall the pleasure and advantage (and can anything more pleasant and agreeable befall a true and loving subject?) of beholding the beloved countenance of their prince; a privilege of which we may for ever be deprived, unless our good and wise king, as he announced his intention to do, revisits Scotland every three years[1] to give us the pleasure of his gracious presence. Indeed nothing could better preserve the conjunction and union of the island than that he should show himself as king of the whole and not merely a part of it, and accord it impartially the light of his presence.

How much more prosperous Britain will be by reason of union.

fol. 236.

We come now to the second part of Cicero's considertions determining utility, and proceed to inquire to what extent wealth, plenty, and power will be promoted for the service of the inhabitants of the kingdom. In the first place, there can be no doubt whatever that so long as the union lasts there will be no further trouble in Ireland. The Scots have long since settled themselves by force of arms in that part of the island nearest to their country, and every day sees a

[1] See *Reg. Privy Council*, vol. vi. p. lv.

stream of emigrants thither.[1] No slight help in keeping Ireland in order can therefore be given by Scotland, seeing that she is nearer than England to Ireland. In the second place, it is beyond all question, looking at Britain as a whole, that her resources and wealth will be vastly augmented by this union. Efforts that in the past were spent on war, plunder, fire-raising, and every unprofitable venture, will now be transmuted into real wealth. Pastures devastated by war and deserted will again come under cultivation, and the driving of cattle will cease. No longer menaced by the fear of war, farms will be cultivated and bear their harvest. On the Borders, houses and castles will once more teem with inhabitants; woods, pleasure gardens, and vegetable gardens will add to their amenities, and the rich harvests of our waters and flocks will be obtained in security. Here again, if we compare the relative advantages to each people, we shall find that our neighbours have the greater share. Scotland, though far inferior to England in her resources, wealth, and abundance, still has enough for herself and something to spare for foreign nations. Nowadays national plenty is a question of food and clothing; and in the matter of food we are as well off as any other people. As to fish, we excel England and every country in Europe in the variety, abundance, and delicacy of what we eat. We yield to none in the delicacy and flavour of our meat. Though in the abundance of our cereals and fruits we are far behind the English, yet for our inhabitants there is never any dearth of corn for their sustenance, and *fol. 237.* should there be a bad harvest the Highlanders are able to supply us with cheese, which is often used, and without any injury to health, when the supply of cereals is short. Nowhere will you find people of robuster physique, higher spirited, or longer lived, more active in their old age and later in reaching it, than among the Highlanders; and that in spite of their entire dependence on cheese, flesh and milk, like the Scythians. In the variety and delicate flavour of our meat we can bear comparison with the greatest countries. There is not only enough

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[1] See *Reg. Privy Council*, vol. viii. p. lxxiv *et. seq.* The Plantation of Ulster took place in 1610, two years after Craig's death.

for our wants, but we can also gratify moderately our more luxurious tastes. If the harvest is a good one we are in a position to export considerable quantities of grain to foreign countries, and also wool, hides, skins, and fish in great abundance.[1] This is of advantage to the whole nation, and provides the means wherewith to import wine, silks, and French and English cloth, although the cloth produced by ourselves suffices for our needs. There is indeed a prospect that in the near future our cloth will be as fine as that of the English, though the quality of their wool surpasses ours. In future our people must pay very particular attention to the manufacture of cloth, for thence will proceed our ability to import wines, merchandise, and those things on which men set store. Otherwise we shall find it hard to raise the money to pay for our imports. For though there is sufficient for our needs so long as our people remain in their own country, yet there are constant inducements to them to visit their sovereign, and often at his summons. Consequently many of our nobility and others in high positions find it necessary to spend much time at Court, and are therefore
fol. 238. compelled to incur considerable expense, to be better dressed, to make a braver show at banquets, to be more munificent in their disbursements, and to be attended by a more imposing retinue. These things require money, and money can only be raised from their Scottish properties. Consequently Scotland's substance and wealth, those things by which the English set store, gifts and presents by which the favour of men is bought, all will find their way to England year after year, and Scotland will be drained of her wealth. Truly, the sun lights the whole earth; but it does not distribute its nourishing heat equally. It is more generous to

[1] Craig's statements are confirmed by a table of Scotland's exports in 1614, printed in Hume Brown's *Scotland in the Time of Queen Mary*, p. 226. Oats and barley were exported to the value of £25,536 Scots. Hides realised £66,630 Scots; skins, £172,082 Scots; wool, £51,870 Scots. The fisheries produced £153,354 Scots. 'According to Pedro de Ayala,' says Dr. Hume Brown, '*piscinata Scotia* was an "ancient proverb," and the same writer tells us with some exaggeration that the fish imported from Scotland sufficed for the needs of Italy, Flanders, France, and England.'

what it shines down upon directly than the land on which its rays fall obliquely: the more direct they are, the stronger they are. In the same manner, though loyal reverence is due to the sovereign from every part of his dominions, which can be relied on to show equal fervour, yet riches and wealth will flow to the spot where he resides. What has made London the richest and most opulent city of England but the fact that the sovereign lives in or near it? The same is true of Edinburgh, which far exceeds other Scottish towns in wealth. Whether it will maintain its superiority is very doubtful, now that it is deprived of the sovereign's presence. Certainly since the king went to London it has lost a good deal of its wealth and many of its inhabitants, who have already betaken themselves to England and London.[1] It is therefore obvious that all the advantages, wealth, and satisfaction to be derived from this union will be enjoyed by England, and that Scotsmen will be compelled to carry thither what they would otherwise consume at home or send abroad. Our neighbours are therefore unreasonable in showing reluctance at our people becoming naturalised, as the word is, and securing admission to England's resources, honours, and public posts. They ought not to suppose that they will be damaged thereby; for the mere residence of the sovereign among them will make good ten times over any losses which may attend the grant of naturalisation. For, as I have said already, if a Scotsman *fol. 239.* has become a naturalised Englishman and has acquired a property in land or otherwise in England, in England he will spend its revenue as well as what he has from Scotland.

Scotsmen, on the other hand, have a more real and serious complaint. Not only will they be deprived of the presence of their beloved king, but even of access to him; for the journey to England is too long and expensive for us to undertake it. In days gone by those who had a grievance could gain ready access to the king, and receive his answer in perhaps twenty-four hours. But now they must go to London, a journey

[1] In 1557, upon the occasion of Mary Stewart's marriage, Edinburgh contributed £2250, a little more than double the united contributions of Dundee and Aberdeen, the next largest sums. See Hume Brown, *op. cit.*, p. 54.

of six or seven hundred miles. And when they get there they must pay their court to the English, and possibly bribe their interest, in order to secure redress and be allowed to lay their grievance before the king. Again, the presence of the sovereign causes cities and towns to flourish, and to be adorned with houses, palaces, gardens, hostelries and other buildings for the convenience of the public. But in Scotland these places are now threatened with ruin, since people do not flock into towns if the king is absent. Merchants who make the prosperity of towns will carry their merchandise and dispose of it elsewhere, unless they are resigned to lose it altogether. Our best workmen in the mechanical arts, who once found occupation in the decoration and extension of our towns, will betake themselves to wherever the king and the court reside, and will be accompanied by our merchants and also our shipmasters, sailors, and the very ships themselves. For the shipmasters and merchants will gravitate to the best and most promising market for their services. And whereas there are over forty
fol. 240. thousand men in Scotland who find a livelihood in trade, who for their diligence, reliability, and modest bearing are esteemed by Continental nations before all other foreigners, and indeed in preference to their own workmen, we must now sacrifice them also. Again, not to mention other things, we are asked to give up our ancient alliance with France, which has lasted unbroken for centuries : a demand which is neither seemly nor can contribute to our welfare.[1] For though we have drawn closer to our neighbours we ought not to disregard earlier ties, nor contract a new alliance which menaces a friendship of older standing, seeing that God is a severe avenger of violated treaties.

There is another and greater loss to be faced by us. The Kings of France have always maintained a corps of men-at-arms which bore more than one thousand of our countrymen on its strength. They also employed another Scottish corps, whose fidelity gained it the position of the king's body-guard,

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[1] See the English Commons' restrictions on the union, in March 1606, in Bruce, vol. ii. p. cxxxi.

in which a yet greater number of Scotsmen were maintained at the king's expense.[1] Our neighbours demand that this arrangement should come to an end, asserting that we cannot enjoy the friendship of France and England simultaneously. Now, seeing that France and England have been almost always at war, and may again find themselves at war if one or both falls under the rule of kings more warlike than those at present on the throne, there are many who hold that union with England is against our interest, and that it would have been better to keep our king to ourselves than to have sacrificed with him so many of our existing and future advantages. But all such criticisms are readily answered.

The foregoing objections answered.

In the first place it is much better to have no grievance at all than to possess an easy means of venting one. At the present time there are very few in Scotland who have any grievance at all, compared to the number in former times. For the king's wise authority has so ordered it that, God be thanked! never was there less disturbance in this country than at the present time. *fol. 241.* Nor is our sovereign so aloof from us but that the voice of our complaining can reach him if need be. The Privy Council acts generally as his deputy: it is easily accessible to the complaints of suitors, and is as fair and impartial in its decisions as when the king was present in person. It must be borne in mind also that the intervention of courtiers not infrequently diverts the ends of justice; for they receive bribes from this suitor, importune another, and threaten a third if due regard is not payed to them. Account must also be taken of the fact which is expressed in the proverb, *quo dominus proprior aliquando et gravior.* If the superior requires aught, the satisfaction of his needs falls first on those immediately around him. If taxes need to be imposed, if transport, draught horses, or vehicles are required, the burden rests more heavily on those who are at hand than on those who are at a distance. The nearer the sun is to the earth and the more direct its rays, the more oppressive to

[1] The two Scottish corps in France were the Scots Men-at-arms (Les Gendarmes Ecossais) and the Scots Life-Guards (Compagnie Ecossaise de la Garde du Corps du Roi). See W. Forbes-Leith, *Scots Men-at-arms and Life-guards in France, A.D. 1418-1830.*

mankind and harmful to vegetation are its rays. When its rays fall obliquely, temperature is more equable and the earth brings forth a more fertile harvest.

Now I ask any Scotsman who has been revolving the above considerations in his mind to imagine the disadvantages and evils we should have incurred if our sovereign's title to the English throne had been challenged, and if we had been forced to maintain it by force of arms. Think of the troubles and disasters that would have afflicted the kingdom. For very shame and in the cause of justice we could not have shrunk from maintaining the king's title, if we deserved the honour of being His Majesty's subjects or even human beings. Had we entered upon such a contest, what a loss of life, what destruction and ruin of towns, what devastation of the country must have resulted. Again, seas will now be open to our ships which were formerly closed to us in time of war, owing to our inferiority in naval strength compared with that of our neighbours. There is no longer danger of our losing twenty-four or
fol. 242. thirty ships laden with merchandise, as happened to the people of Edinburgh when the first contract of marriage between the royal families of the two countries was rejected.[1] Our cities will not again be burnt, as they were then, with all their rich trappings. Nature in fact warns us, that in everything that promotes human interests there is a complementary disadvantage, and that we should choose the lesser of two evils, or the fewer of many. If our sovereign were still resident among us, should we readily obey, as the laws of England enjoin, a command to provide the transport necessary for the conveyance of his luggage from place to place during his journeys?[2] Or is there any one who would not be indignant at being forced to purvey his goods at the king's price, as the phrase is?[3] It appears, therefore, that if the presence of the

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[1] Craig refers to an event of 1547. See Holinshed (ed. 1807-8), vol. iii. pp. 884-5.

[2] Scotland, however, had to submit to this during James's visit in 1617. See *Reg. Privy Council*, vol. xi.

[3] Craig refers to the royal right of purveyance. The attempt of the English Commons to induce James I. and VI. to surrender this prerogative failed. It was abolished at the Restoration.

sovereign has its advantages, it has its drawbacks also. Meanwhile we must ply our trades and employ our utmost industry; for there are few already and soon will be fewer whose industrial services are lost to us. Those who have left us are all courtiers, whose absence can be as easily borne as their presence may prove a nuisance. Our cities will not lose their populations so long as there is a Parliament to which resort may be had in the king's absence, such as we have seen in the summer of the present year 1605.[1] Nor will the beautification of our cities be neglected any more than it has been in the past. There is also the hope that the king will graciously accord us the occasional light of his royal presence to remedy errors and injustice. Any losses that our citizens and tradesmen may have incurred through his absence will be amply made up when he comes among us again with a train of English nobles in his suite. And what satisfaction must it be to us to see on the throne of united Britain one who, after all, takes his origin, his blood, parentage, and even *fol. 243.* himself from Scotland. How gratifying also is it to think that Britain will henceforth be ruled by princes of Scottish ancestry and blood, and not by such as 'knew not Joseph,' as some people incessantly and wickedly aver. As lawyers and scientists tell us, things return naturally to their source. Or as Horace has it:[2]—

Naturam expellas furca, tamen usque recurret.

I have now met the errors of those who prefer that this union should never come about rather than that they should be deprived of the many advantages, now no longer existing, which used to attend the presence of the sovereign among them. I turn next to the situation of our neighbours, who will draw to themselves all the wealth and resources of our country as the consequence of the union. Let me point out to them how considerable are the wealth and resources to which they are given access, and how much richer they will become. They will be at liberty to fish in our seas, and if they

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[1] The Scottish Estates, having been adjourned to June 7, 1605, were on that date again adjourned to the following November 26.

[2] *Epistolæ*, lib. i. 10, l. 24.

The wealth that can be got from the fisheries of Scotland and the islands.

pursue that industry closely, they will take much wealth from us and will convey it to their own country. The Netherlanders alone from their fishing for herring in our waters obtain an annual profit of one million ducats, according to Lodovico Guicciardini in his work on Lower Germany.[1] It is no unusual sight to see among the islands as many as four hundred or five hundred vessels engaged in the fishing, not one of which returns without a heavy catch. Had we wished we might have shared that source of income with the English, and have cut off the Netherlanders therefrom. We shall reap our advantage, however, by establishing a claim on the gratitude of the latter for our forbearance. What a quantity of haddock and other *fol. 244.* fish are caught in the summer fishing! Even those familiar with the Newfoundland fisheries tell us, that great as the harvest is and always has been, fish are not more plentiful nor more easily caught there than in our waters. Captain David Vaus, a worthy man whose memory is still cherished among us, once told me that if Scotsmen would subscribe the capital and labour required, he knew of grounds in or near the Hebrides in which all the fishing boats of Europe could secure cargoes twice a year, once of herring, and again of haddock or cod. Salmon are equally plentiful, a fish much prized by the European peoples. It is caught in great quantities in the islands and off the mainland, as well as in the fresh water lochs Broom, Leven, Carron, Ryan, and many others which are fished. In all of these the fishing is so easy and profitable that if the English were to introduce their faculty of commercial organisation (wherein we confess ourselves their inferiors), and to adventure capital in it, there is no fishery in the world which would yield better returns. I need not speak of the Firths of Forth and Clyde, in which every year at the proper season such quantities of herring are taken that the sale of them in France procures us in abundance all the necessaries we import, and at an insignificant cost; foreign articles of diet, such as olives and pepper, silk fabrics, besides gold and silver, regularly and in great quantity. Scotland, there-

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[1] Craig refers to the *Commentariorum de rebus memorabilibus quæ in Europa, maxime in Belgio, evenerint,* published in Antwerp in 1566.

fore, has her own distinctive advantages. The power to share them, as our neighbours must admit, will be an ample return for their concession of naturalisation to us.

Our ecclesiastical benefices and dignities, though their revenues are much diminished, yet they yield a respectable and even luxurious competence. For in Scotland the revenues of the old religious foundations still exist, though much attenuated; whereas in England they have found their way into the public exchequer. Consequently there are still among us many ecclesiastical benefices in which a man may live comfortably, though not in the old state. *fol. 245.*

I need say no more regarding the wealth and advantages which will accrue to the individual, save that the king also will draw therefrom a toll and revenue of considerable extent. The island is densely populated, as Cæsar, Tacitus, and Diodorus Siculus remarked. The men are taller, stronger, and more robust than those of France, as Tacitus again, and also Dion Cassius, Strabo, and Solinus described them. And what of their warlike disposition? Nothing, says Tacitus,[1] contributed so much to Rome's conquest of the Britons, valiant though they were, as their inability to show a united front. Each kingdom fought aloof from the rest, and therefore all were conquered. We have it then on the testimony of Tacitus, the most distinguished of Roman historians, that the inhabitants of Britain could be invulnerable against attacks from any quarter if only they could show a united front, or, in other words, range themselves under a single prince, and instead of each fighting its own battles apart, combine to meet the common danger and fight unitedly to avert it. That Agricola thought more highly of the British than of the French character may be gathered from the testimony of his son-in-law, Tacitus.

Cicero's next division deals with the acquiring of wealth and power for our own benefit and that of our friends. To begin with, in the case before us, to what extent will there be an addition of power? In the hands of individuals, power is derived from the possession of wealth and means. The strength

[1] *Agricola*, cap. 12.

of a community consists in its ability to defend or extend its interests. As to the former, this union is and will prove such
fol. 246. a source of strength that Britain need fear no foe so long as it continues. And if the necessity to attack a neighbouring power should arise, it will be the easier task and have greater prospect of success if it is conducted by the whole of Britain rather than by one or the other part of the island. Nor will it be necessary for the national forces to be divided, one part attacking the foreigner, while the other is watching Scotland to repel danger from that quarter. When Louis XII. of France was attacked by all his neighbours, the Pope, the Emperor, Spain, and the Swiss, Henry VIII. led a great army into France.[1] After routing the French cavalry,[2] he took Thérouanne and forced the surrender of Tournai. But on the news that James IV. had invaded England, he was obliged to detach eight thousand men from his army in France, and sent them home. Being veterans they fought well at Flodden. The issue of the battle was doubtful, though the English claim the victory owing to the death of the King of Scots. But did Henry achieve any further success either in Scotland or in France? No. In spite of their opening success the English did not enter Scotland, and Henry, abandoning the French war, led his diminished army homeward, and accepted a peace quite unworthy of the victory he had so recently gained.[3] Indeed at the beginning of the war, when the question of forces wherewith to meet Henry was under consideration, Louis XII. declared that he had no apprehension regarding the English, since he held in his hands a weapon which would force them back to their own country whenever he pleased to launch it. Such, indeed, was the invariable practice of the French kings, and it was to that end that they entered into a league of friendship with the Scots eight hundred years ago.[4] Therein
fol. 247. it was agreed that if the English invaded France, Scotland should not only supply the latter with troops, but should also

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[1] Henry joined the anti-French Holy League in 1513.

[2] The 'Battle of the Spurs,' at Guinegatte.

[3] The marriage of Henry's sister Mary to the French king was a condition of the peace.

[4] See Boece, Bk. x. chap. 3.

raid the English borders, and, by drawing the war upon herself, call off the English from France. The terms of the alliance particularly prescribed that the French and Scots should always have the same friends and enemies; wherefore France has always had the military support of Scotland whenever she has been at war with England. If England therefore proposes to attack France, either for the recovery of her lost possessions in that country or on some other ground (and between neighbours such occasions are easily found), she has nothing to fear from the north of the island. Some of the English kings, as history relates, and in particular, Edward king of the Anglo-Saxons, handed over the three fine provinces of Northumberland, Westmorland, and Cumberland to be held in feudal tenure by the King of Scots in order that England might be protected on that quarter from the incursions of the Danes.[1] To take another example: what other cause was there for England's enforced evacuation of Normandy and the rest of France but the fact that Scotland took the opportunity to invade England and also sent troops to aid the French? That happened in the reigns of Henry v. and his son, Henry vi. In the reign of Henry v. the Earls of Buchan and Douglas led ten thousand Scotsmen into France, defeated the English at Beaugé, slew Henry's brother, the Duke of Clarence, and rendered invaluable service.[2] In the reign of Henry vi. Robert Patilloch was sent to France with five thousand men, and did much service in the cause of France in Aquitaine, as I have already remarked.

In fact, all the northern nations have a natural aptitude for war and for warlike ventures. As Lucan has it:[3]— *fol. 248.*

> Omnis in arctois populus quicumque pruinis
> Nascitur, indomitus bellis et martis amator;
> Quidquid ad eoos tractus mundique teporem
> Ibitur, emollit gentes clementia cæli.

It has been observed by many that that part of the growth

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[1] Cumberland was handed over to Malcolm i. by Edmund in 945 on terms which are debated. Lothian was transferred to Scotland about fifty years later by Cnut.

[2] The English defeat at Beaugé took place in 1421.

[3] *De Bello Civili*, lib. viii. 363-6.

of an oak which faces north is more hardy and tougher to the axe than the other parts. Indeed, where it is necessary to undergo fatigue it is impossible for those who live delicately and luxuriously to vie with those whose limbs are inured to Livy, Bk. i. hunting in rough and mountainous country; for hunting trains body and character and checks effeminacy. If to the hardiness of our constitution were added the military discipline of the English (in which I avow their equality with the ancient Romans, and the deficiency of ourselves, who through going into battle in reliance upon our personal courage alone have often experienced severe defeats): backed by English military discipline, I say, we need never fear the issue of any war in which we may engage. It is at any rate certain that neither France nor Spain, both of whom almost always employ foreign mercenaries, could ever assemble an adequate force wherewith to threaten or annoy Britain. We may therefore conclude that we have nothing to fear from our foreign foes and their power, if once we compose our differences and enter heartily into the proposed union. Critognatus was of opinion, as Cæsar tells us,[1] that a united Gaul could stand against the whole world.

Again, the king will be held in high repute among all his neighbours, will be on good terms with them, and will receive lavish gifts and wealth from neighbouring states, competitors for his friendship and alliance. Should disputes arise among them he will be invited to act as arbiter, as Henry III. once was between the Spanish sovereigns, and they will leave the *fol. 249.* issue to his judgment. His power will be doubled, and any lost territory that once belonged to him will be easily recovered.

Were Britain again to be divided into several kingdoms, as in the Heptarchy, and if neighbouring states were asked to express their opinion, they would undoubtedly highly approve. For they would recognise that it would be easier to deal with the parts separately, and that, though there was no prospect of their disintegration while they remained united, the parts might be detached one by one. Union is stronger than division,

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[1] Bk. vii. chap. 77.

and a conflagration spread over many areas is less dangerous than one which is concentrated. When Henry VIII. visited Francis I. of France, a meeting-place was selected between Calais and Ardres, where the two princes vied with each other in the splendour of their appointments.[1] Henry brought a wooden pavilion from England and had it erected on the spot. It presented the appearance of a wooden palace, and at the outer gate, or front of it, the statue of an archer was placed, a bow in one hand and an arrow in the other, with this motto: 'He wins whose side I take.'[2] At that time grave differences existed between the Emperor Charles V. and Francis I. of France, and each hoped to gain Henry to his side. Henry expressed his appreciation of the situation by the figure placed in the front of his pavilion. Frenchmen who passed in and out were much angered, and such as came to see the king and nobility of England mightily resented the golden-lettered motto. The magnanimous Francis, in particular, chafed inwardly at the insinuation that he could not stand against the Emperor without the help of England. Therefore the business which had brought the two kings together was *fol. 250.* hurried over, and feeling ran high. The kings, however, concealed their animosity and parted. The peace to which they had agreed proved of no long duration, and war between France and England broke out soon afterwards.[3] I have often heard John Borthwick, a noble gentleman at that time holding a position near the French king's person, say that King Francis remarked, 'How intolerable would the King of England become were he possessed of the whole island, seeing that, master of but half of it, he yet exhibits such a proud demean-

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[1] Craig refers to the meeting on the Field of the Cloth of Gold in 1520.

[2] To this astonishing statement Holinshed gives no confirmation in his long and detailed account of the meeting between Henry and Francis in 1520. He states, however, that at 'the entering into the palace before the gate, on the plaine greene,' there stood 'an image of the blind god Cupid, with his bow and arrows of loue, readie by his seeming to strike the yoong people to loue.' Can poor Cupid have been misunderstood or misrepresented? The only motto in the forecourt was an invitation to drink at the fountain of Bacchus.

[3] Henry, in fact, already was in agreement with the Emperor before he met Francis near Ardres. England joined the Emperor in the war against France in the summer of 1522.

our'; and that he was always moved to indignation when he thought of the wooden archer. From that day forward he did his best, as I said, to prevent the union of the two parts of Britain under a single head. As Homer truly says :[1]—

συμφερτὴ δ'ἀρετὴ πέλει ἀνδρῶν καὶ μάλα λυγρῶν.

There is a well-known story told of Silurus, King of Scythia. He had seventy sons, and on his death-bed ordered that number of spears, or arrows, according to some, to be brought to him, tied up in a single bundle. Then he bade the strongest of his sons to attempt to break the bundle, and when they had vainly striven to do so, he ordered the bundle to be untied and the spears to be brought to him one by one, whereupon he broke them easily. His sons wondering asked what the symbol meant. 'It shall be your lot,' he answered, 'so long as ye live united, that no power shall prevail against you. But if ye break apart, ye shall fall an easy prey even to the weakest nations around you. and ye shall all quickly vanish as smoke.'

CHAPTER XII

fol. 251. The measures and attachments whereby this union may stand firm and solid for all time.

It remains for me to add the final touch to this work by indicating the ways and means (in the language of the schools) whereby this union, contracted in so friendly a spirit, may remain indissoluble. It is a subject which unfortunately has been neglected by all those with whose writings on the union I am acquainted. No doubt there are few persons to whom the fact of union and the existence of harmonious and friendly relations between the two peoples are not agreeable. But as to the actual conditions which ought to govern this relationship, they are not so well qualified to judge. What I have

[1] *Iliad*, Bk. xiii. 237.

to say on this point I would have no one attribute to myself; for I am not a man to venture to prescribe the laws, as it were, by which the union is to be governed. I do no more than repeat what I have heard in the highest quarters, from men thoroughly conversant with the affairs of Britain and its inhabitants, in whose society I often have had the good fortune to be when they were conversing on the matter.

The chief point to bear in mind is, that we are engaged in an effort to achieve a permanent reconciliation between two proud and spirited peoples, who from the cradle of their history have been animated by the most determined mutual rancour. Therefore the first essential is the burial of all *fol. 252.* surviving sources of disagreement. If such a reconciliation is to prove real and lasting, two conditions must particularly be observed. The first is, that the agreement must be of a character consonant with the dignity of both nations. In the second place, the status of neither must suffer the slightest diminution. The first demands that the union shall place the two kingdoms on an equality of dignity. For if we look into the wars which have so frequently marked their history, we shall discover that the invariable cause has been the refusal of England to admit an equal, and Scotland a superior, in the island. The utmost care is therefore necessary to avoid favouring one at the expense of the other. In the reign of Edward VI. this was found the great obstacle to the union which was then thought to be imminent. For the churchmen, who feared that the union would be followed by the ruin of their order and position, dinned the ears of our countrymen with the alarm, that under the cover of specious words and a pretence of union, the English intended nothing less than the perpetual subjection of Scotland, knowing full well the unpleasant sound of the word slavery in the ears of a Scotsman. I have in my possession a copy of the supplication addressed in the reign of Edward I. to Pope Boniface VIII., who was then residing at Avignon,[1] in which we com-

The dignity of both nations must be preserved inviolate and suffer no diminution.

[1] See *Scotichronicon*, Bk. xi. chap. 35. The letter is not extant. The Pope's letter to Edward in answer, dated June 29, 1299, is in *Fœdera* (Rolls ed.), p. 907.

plained bitterly to him of the wrong done by King Edward who without provocation aimed at the destruction of Scotland, or at least its subjection to himself. We therefore petitioned the Pope, who in that period was regarded as the monitor of kings, to restrain the violence of Edward and, if he refused obedience, to interdict him. The letter of the Scottish Estates to the Pope is extant, in which they pledged themselves, so long as one hundred Scotsmen remained alive, never to *fol. 253.* submit to the English yoke nor accept their rule. It therefore behoves that every effort be made to prevent the dignity of either kingdom being lowered by the union, and that, as the proclamation of Edward VI. already referred to allowed, union be attended by equality and mutual reciprocity in every respect. We on our side can but think that we have done all that ought to be demanded of us, if we waive the priority due to our greater antiquity as a kingdom in order that both may rest on a footing of equality; for true friendship can exist only between those who are equals already or become so. As Dion Cassius elegantly remarks: 'Where there is equality on both sides, there friendship reigns. But if one excel the other, arrogance and contempt will dominate the one, jealousy the other, and hatred, resentment, war and strife will follow.' A statement of Chrysostom speaks to the same fact: 'Diversa jungi non possunt, nec verum falsitas, nec amaritudinem dulcedo capit, prodit rem quemque quod nascitur si quando æmulo copuletur, adeo ut si bonus malo conjungatur, aut pares redduntur aut ab invicem statim separantur.' For friendship, as I said, either finds equals or makes them so.

Hist. Rome, Bk. xxxix.

'St. John,' at the words 'veniet hora.'[1]

There is a well-known story in Livy told of Privernum. The city had revolted from the Romans, but being conquered, sued for terms. Their ambassador was asked by a senator, who was in favour of severe treatment, what punishment he thought they deserved for their revolt? He, remembering the liberty in which he was born rather than his present

Decas, I. chap. 21.[2]

[1] I cannot find the passage in Chrysostom's annotations in *In Joannem Homilia*.

[2] The reference is to Bk. viii. chap. 21.

state, made answer: 'The treatment due to men worthy of freedom.' His proud reply incensed the Senate yet more against him. Whereupon the consul Volumnius,[1] who was well disposed towards Privernum, although he had conquered the city, and therefore sought by a milder question to elicit a more conciliating reply, asked him, 'If we forbear to exact punishment how far will you keep peace with us?' The ambassador replied, 'If you deal with us in good faith we will make peace with you for ever, otherwise not for a day.' Some of the senators were of opinion that this frank answer was a threat to continue the war, and that it incited other subject cities to rebel. But the greater part of the Senate favoured a conciliatory answer, and recognised in what they had heard the utterance of a true man and free. How, they asked, could any people or individual be expected to submit to an irksome situation longer than they were compelled? A peace to which the parties consented unwillingly was simply hollow, nor could they expect peace if their intention was to impose slavery. *fol. 254.*

And so in our own case, a lasting peace cannot be looked for if either England or Scotland is given priority in honour and dignity. Whether they like it or not the English cannot fail to admit, that though we are greatly inferior to them in wealth and riches, yet there is some quality in which we are their equals or superiors, since otherwise we could not have maintained ourselves against their power and resources. They always had at their disposal a larger population, mercenaries, ships, any number of engines of war belonging to the state, military discipline, and huge resources wherewith to maintain their own forces, and to tamper with ours. And yet we have never shrunk from a fight with them, nor from putting our cause to the arbitrament of war. Though we cannot match their means, we have had better fortune in defending what we possess. We have been called on to fight as often and against the same enemies as they, Romans, Saxons, Normans, Danes, and Britons too. Yet Scotland has never been

[1] The conquest of Privernum took place in the consulship of L. Æmilius Mamercinus and G. Plautius, and the latter was accorded a triumph.

conquered, a statement which our neighbours cannot truly make of themselves.

fol. 255.

The first bond is religious union.

The first essential to union therefore is, that the religion which each kingdom now maintains and professes be preserved whole and intact, and that it not only be confirmed by new legislation, but also that the door be shut for ever against the return of Popery to this island. For beyond the fact that religion is the chief promoter of kindliness and good-will among men, we shall also be acting in a manner pleasing in the sight of God (the Christian's bounden duty in this life, seeing that He is the giver of all good things). We shall also gain strength and power in other ways; since innovations in religion are invariably accompanied by great stir and resentment among the populace. We know that there are a great number of Protestants in Germany, France, Spain, and even in Italy, who are hunted to death with unflagging energy, and how great is the terror which the Council of Trent still inspires.[1] Of these Protestants the King of Britain may reasonably regard himself as the master and leader, seeing that he is to-day by far the most powerful Protestant sovereign. If they are persecuted by their own kings for religion's sake, Britain affords them a safe refuge, as she did in the reign of the late Queen Elizabeth. So long as the King of Britain keeps his throne they need never fear for their own security. But should he be overthrown, they and their faith will be in the gravest danger of extinction. And it will mean no small addition to the power of Britain if she draws to herself the affection, obedience, and good wishes of Protestants. They will desire her welfare even more than that of their native country, should their own king attempt to root out their religion, as happened in France fifty years ago, and is happening to-day in the Netherlands.[2]

Secondly, Loyalty to the king and his heirs.

The second bond of union should be an oath binding all men to defend the life, dignity, and every interest of their

[1] The Council, whose decrees the Counter-Reformation sought to enforce, brought its labours to an end on December 4, 1563.

[2] It was not until 1609, the year after Craig's death, that Philip III. concluded a truce with the United Provinces which virtually secured their independence of Spain.

common sovereign, his serene and invincible Majesty King James, now emperor of all Britain, and of his heirs; pledging themselves in that behalf to adventure their lives, their goods, and their means to every hazard, as liege subjects are bound to do by law divine and municipal. Remember Virgil's lines:[1]— *fol. 256.*

> Rege incolumi mens omnibus una est;
> Amisso rupere fidem.

Should the stock of his most noble majesty fail, it will have to be looked to whether the two kingdoms may not again fall apart and the feuds of the past be renewed.

Thirdly. Each nation must live under its own laws and customs.

The third essential to a permanent union is, that each nation be governed in accordance with its own laws and customs; that no change be made in them, or in the established methods of judicial procedure, without the express sanction and approbation of either kingdom; that legal causes be determined in accordance with ancient practice and without appeal from the courts of one kingdom to those of the other, a procedure intolerable to both and expressly forbidden in all the examples of union which I have mentioned above. If these conditions are not observed, the union will not be readily embraced by such as cannot patiently suffer their laws and customs to be altered. Nor is the reality of union affected, as I have already shown, if the several parts of a united kingdom preserve their own manners and customs. Nor again, as I think I have remarked before,[2] is there such a want of uniformity between the laws and customs of the two nations as to dissolve a contract of lasting friendship and reconciliation, or to prevent the conclusion of such an agreement. So, let each nation preserve intact and untouched its own customs, honour, and status. When the king is in England let him be attended by the English court officials, each in his proper office and station; the Primicerius or Chancellor in such affairs of state as concern his office, the Marshal in the service of the king's table, the Questor or Treasurer in his proper sphere. And let landed property be subject to the laws of the country in which it is situated. *fol. 257.*

[1] *Georgics*, Bk. iv. 212-13.

[2] See chap. VI. above.

The Parliament of each nation must retain its own status and authority.

The Parliaments of the two nations must also retain their own status and authority, as Henry v. swore should be the case when he acknowledged the oaths of fidelity made to him by the French nobility. The resolutions of one Parliament must not be liable to rejection or amendment, as it is called, by the other. No new laws or ordinances must be promulgated, no existing laws must be repealed, without the authority of the Parliament concerned. Judicial processes must be carried out in accordance with the statutory enactments of the same authority. Fresh taxation and burdens must not be imposed, and war must not be declared, without the assent of either Parliament. Foreign mercenaries must not be introduced without similar authority. No man must be punished otherwise than in accordance with the laws of the kingdom in which he resides, and after such a trial as is in accordance with the practice of the locality in which the offence was committed.

Intermarriage to be permitted.

Further, marriages must be allowed to be contracted freely between the inhabitants of the two countries in every social rank, from the king downwards, as was provided for in Edward vi.'s proclamation.[1] And it should be remembered that if Scottish brides bring with them smaller doweries, there are other considerations to be regarded than those of mere monetary interest, and particularly the unusual fecundity of our women.

Each nation must have the same friends and enemies.
fol. 258.

Each nation must have the same friends and enemies, that is, must enter into a mutual agreement for offence and defence, seeing that a hurt to the one is now a matter of moment to the other, and a just ground for both to take arms. Nor can this condition appear to the French king to be a contradiction of our existing agreement with him. Undoubtedly it is the custom that in negotiating a new treaty standing agreements should be regarded as still in force. But the present matter is not the negotiation of a treaty, but the union of two peoples under a single lord and king, in which an injury to the one is bound to affect the other;

[1] The Scottish statute of 1587, forbidding marriage between the Borderers without express permission, was among those enumerated for repeal in the Act of August 11, 1607. See Bruce, App. 22.

the fashioning of a single people, kingdom, and monarchy, which cannot be injured in a part without affecting the whole. By feudal law the vassal owes service to his superior and is bound to expose his life at all hazards and against all people in his behalf, but he is not liable to help his superior if he is himself the object of attack and injury and his own property is threatened by seizure or invasion.

Both peoples should be on an equality in respect to public positions and rights.

There ought to be, if it can be arranged, one name and one status for the united peoples. In other words, rights and public positions, both civil and ecclesiastical, must be equally accessible to Englishmen and Scotsmen, as Edward VI. proposed. It must also be permitted to every man born in the island to live where he likes, and to enjoy the rights and privileges of citizenship, to pursue whatever trade and livelihood he pleases, just as though his parents had been born and brought up there. It ought to be open to all to better their position and means, to acquire real property, personalty, landed property, in the country and in the towns, by every title recognised by the law of nations, by will or under an intestacy, by purchase, sale, exchange, gift, auction, and by any other form of contract enforceable at civil or municipal law. And in regard to succession particularly, both Englishmen and Scotsmen must be mutually able to succeed as heirs of the other. Both also must have *fol. 259.* equal access to the territorial waters, rivers, and fresh-water lakes, for the purpose of salting and pickling fish, and to sell and dispose of them at their pleasure. Both must also be free from taxes or customs duties, by which it has been usual to distinguish between the subjects of one kingdom and the other, so that wherever they are they may be able to buy provisions at their charges, and with no greater liability to duties and exactions than they would have if native born.

Statutes which establish a distinction between Englishmen and Scotsmen must be done away with.

All the acts and statutes which prohibit the above must be done away with and repealed. For the motive which used to forbid mutual rights of succession, and vetoed the succession of the vassal of one to the vassal of another superior, lest thereby he should transfer to an enemy warlike means and

material is no longer operative; since both peoples are now vassals of the same prince.[1]

The currency of the two countries must be identical.

In the currency the same standard and value must continue as now exist. New coins of a different standard and value must not be minted, and the tables of weights, measures, and money must correspond one with the other.

Fugitives from one kingdom must not be received in the other.

Fugitives from one kingdom must not be received into or find refuge in the other, but must be sought for until their apprehension, and be sent for trial either before the tribunal of the country in which they were apprehended or in which their offence was committed, as the pursuer may determine.[2]

In the king's absence the administration of the kingdom must be committed to the Chancellor and Council of the realm, and edicts, or as our men learned in such matters term them, proclamations, must bear the signature of the king of the country concerned.

Duels undertaken to maintain the dignity of either kingdom must be forbidden under the heaviest penalties, as also insulting expressions which provoke men to anger.

fol. 260.

As far as possible the public annals of the two countries should be revised. Errors and irritating expressions must be expunged (though in this matter our own histories are not so provocative as those of our neighbours), and a new history of Britain should be written with the utmost regard to accuracy.

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[1] Craig's plea for equality found a feeble echo in the English Parliament. On March 6, 1607, the Commons proposed various restrictions 'in point of concurrency' and sent them up to the Lords. They recommended for consideration whether the produce of lands in England possessed by Scotsmen should pass out of the country. They recommended that Scotsmen should not hold in England an ecclesiastical office entitling them to a seat in the Upper House, the headship of an University College, or more than one-tenth of the inferior church benefices. They also recommended for consideration whether a Scotsman could act as guardian of any of the king's wards, or as sheriff, or as a justice of the peace. See Bruce, vol. ii. App. 19, 20. James met these objections in a speech on May 2, 1607 (*Ibid.*, App. 21), but his earlier proclamation in regard to the *post nati* stiffened the Commons against further consideration of the union, and beyond the provisional repeal of the hostile Border laws nothing further was done in the matter in England.

[2] The Articles of Union recommended legislation on this subject. See Bruce, vol. ii. p. xcii.

The king should spend one year in three in Scotland,[1] and during his residence should be attended in his Court by Scotsmen by birth or naturalisation, the Comptroller of the Household, Marischal, the Lord Justice-Clerk, and the rest, as I have shown to have been the custom when the three Scandinavian kingdoms and when Lithuania and Poland united.

Further, in all their dealings each people must look to and promote the other's interests and act in a spirit of fairness and justice. For God favours the just doer, and, as Isocrates remarks, just dealing contributes more than anything else in any compact to permanence and security. For in that case the favour of Heaven will not fail. Speech against Archidamus.

Particular care must be taken lest, cajoled by the flattery and blandishments of peace, we lay aside the practice of arms and go to sleep with both ears shut, as the saying is. For in a country towards which they entertain suspicions, or have reason to fear, it is the invariable practice of neighbours to foment dissension, and if there is no party in it which they can bend to their purpose, to secretly support its enemies, break and destroy its power thereby, and render themselves safe at its hands. Or should it show itself negligent or neglectful of its military strength, they will seize an opportunity to attack it themselves on some ground or other. The peace between the two halves of Britain will prove but fragile unless their military strength is maintained, the only sure guarantee of rest. 'Non enim ignavia,' says Tacitus, 'magna imperia contineri; virorum armorumque faciendum certamen.' A *Annals*, Bk. v.[2] people whom a long spell of peace has made sluggish and indifferent to warlike pursuits falls an easy prey to the first comer. It is indeed indisputable that by neglect of their armaments many nations have perished. After the conquest *fol. 261.* of Crœsus, Cyrus inquired as to the means whereby to keep the Lydians, a very warlike people, in subjection. He was told that it could best be done by forbidding them the use of arms, and by permitting them to devote themselves to acting, comedies, and music, that they might be enticed by these attractions from interest in and pursuit of warlike

[1] See above, p. 446. [2] The correct reference is to Bk. xv. chap. I.

activities. And in Virgil, Numanus, rating the Trojans for their cowardice, says:[1]—

> Tympana vos buxusque vocat Berecyntia Matris
> Idææ: sinite arma viris et cedite ferro.

Even on wise men prosperity undoubtedly has a deteriorating effect. The discipline of military preparation should therefore be submitted to even when public peace seems most assured, so that its continuance may be made certain.

Above everything we must see to it that the lack of incentive to effort and the cessation of military activity do not tempt us into the paths of luxury, and lest, presuming on our security, we are drawn into the luxuries and delicacies of good-living, which misguided men regard as the mark of a polite community, as I have already quoted Tacitus to show, but whereby our masculine habits become effeminate. Over-confidence in public security is most frequently the prelude to disaster. There is no one whose ruin is so swift as he who is self-assured and blind to danger; for misfortune often comes from the quarter whence it is least expected, and in a flash of time the strongest structure is levelled to the dust. Indeed the greater the security the greater is the liability to disaster. Take the case of the Roman Empire. When there was no longer cause to fear Carthage, and her rival was in the dust, Rome did not decline gradually, but at a bound, from the course of valour and arms to the pursuit of pleasure. Further, great empires rarely enjoy peace. If there is no foreign foe to engage them, their sword is turned upon themselves; and like healthy bodies free from external menace, they collapse from their own excess
fol. 262. of strength. Our own country furnishes an example of this. King Robert I. in his will cautioned his countrymen against making peace with the English, in spite of their greater power, and against accepting a truce with them of more than three years' duration. He did so because he knew full well that if Scotsmen are not confronting a foreign foe, sedition and intestine strife will rage among them, a condition far more deadly than war with a stranger, and poisonous to any

[1] *Æneid*, Bk. ix. 619-20.

country. And so, though at the present time we stand in no danger from a foreign enemy, and though there is probably none who will not flatter us with a view to peace with us, yet the disuse of arms among us may some day offer such a prospect of success that an enemy will be encouraged to come against us. Such a contingency can be easily guarded against if the laws which at different times have been in force in Britain regarding military training are revived.[1] Our military forces ought to be constantly inspected, and even in a period of peace they ought to be able to draw up in battle formation, to keep their ranks, and to handle their weapons frequently. By such means we, who in courage yield to no nation, need run no risk of our inactivity and cessation from warlike enterprises exposing us to conquest, nor fall below our wonted ability to undergo toil and danger. It would also be of public advantage to maintain some bodies of horse and foot on a permanent establishment. In time of peace their maintenance might prove a burden. But they might be allowed to enter the service of foreign princes, undertake garrison duty for some of the more warlike nations, and hold their fortresses under English military discipline, which is surpassed neither by that of the ancient Romans, of the Spaniards in our own day, nor of any other country. Again, friendships both old and new must be preserved and must not be suffered to lapse.

Such are the considerations which I regard as bearing most closely on our present circumstances. I state them partly as the fruit of my research among the alliances and unions of other nations, partly as the result of my converse with others on the matter. Lest any one should suppose that I impose *fol. 263.*
myself as dictator of the rules to govern the union, or that by word or pen I design to lay down measures and rules for others, I declare that it is neither my intention, nor have I ever had it in mind, to stand in the way of any one who may have better suggestions to make. I beg the reader to forgive me if I have unintentionally omitted aught or introduced any irrelevant matter bearing on the matter before

[1] On this matter see Firth, *Cromwell's Army*, chap. I.

us, and to judge me leniently therein. I assert that the chief inducement which has led me to undertake a treatise of this kind is, that while our neighbours are devoting so much attention to the union, we on our side may not appear indifferent, and by our silence seem to disapprove of a union so ardently desired. Diogenes, unwilling to be idle while his country was in trouble, turned over his tub. And my confirmed opinion is, that every man conscious of natural obligations, and with the interests of his country at heart, should grudge neither zeal, effort, nor persistence in order to establish this most blessed union on an irrefragable foundation under a single sovereign. Such a union has always effected an increase in the powers of the commonwealth. From it, as I have said, everlasting peace will result, to the benefit of the inhabitants of the kingdom. The turbulence of law-breakers will be checked, and crime will be restrained. Good citizens, and they alone, will find their benefit therein. Our enemies will be haunted by the perpetual fear lest Britain's prosperity should menace their interests. Peace and the benefits that follow in her train will abound. War and its accompaniments, famine, the sword, incendiarism, driving of cattle, the violation of matrons and virgins, will be banished for ever.

I hold it therefore most praiseworthy, and to be recorded for all time, that our sovereign, the greatest king that has *fol. 264.* ever reigned over us, has set this object before him, being, as he is, the father and lord of both kingdoms, and has devoted his utmost care and solicitude to unite his two kingdoms in indissoluble bonds of friendship, so that the bonds wrought by this union shall be irrefragable. To both kingdoms he is bound by particular ties of affection; to ourselves by the fact that in this country he was born, and that over it he and his forebears have long ruled; to England in gratitude for the recent good fortune which has allowed the enmity and quarrels of our neighbouring countries to be interred.

THAT UNDER HIM AND HIS CHILDREN WE MAY ENJOY REAL AND LASTING PEACE WE IMPLORE ALMIGHTY GOD.

INDEX

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REPORT OF THE TWENTY-THIRD ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

The Twenty-third Annual Meeting of the Society was held on Saturday, November 27th, 1909, in Dowell's Rooms, George Street, Edinburgh,—Donald Crawford, Esq., K.C., Sheriff of Aberdeenshire, in the Chair.

In the absence of Dr. Maitland Thomson, Mr. A. Francis Steuart, Joint Hon. Secretary, read the Report of the Council as follows:—

During the past year seven members have died, and seven have resigned.

The loss of Sir Arthur Mitchell will be keenly felt. He was an active Member of Council, took the greatest interest in the Society's work, and recently edited *Macfarlane's Geographical Collections* with conspicuous learning and ability.

After filling the vacancies, forty applicants for Membership still remain on the list.

The Volumes issued, or on the point of being issued, since last General Meeting are—

1. *Selections from the Forfeited Estates Papers*, 1715, 1745. Edited by A. H. Millar, LL.D.

2. *Records of the Commissions of the General Assemblies*, 1650-1652. Edited by James Christie, D.D., with an Introduction by Lord Guthrie.

3. Sir Thomas Craig's treatise *De Unione Regnorum Britanniæ.* Edited, with a Translation, by Professor C. S. Terry.

The first of these completes the issue for 1906-1907; the second is the first volume for 1907-1908; the third (to be issued immediately) is for 1908-1909.

The second volume promised for 1907-1908, *Papers relating to the Scots in Poland*, has unfortunately made little progress during the year, owing to difficulties in obtaining collations of the proof-sheets with the Records, as the archives are seldom open to workers during the winter months. It is hoped that these difficulties may yet be overcome, and the volume issued, before the close of the year now beginning.

Wariston's *Memento Quamdiu Vivas*, and a first instalment of his *Diary*, will complete the issue for 1908-1909. The text of this volume is all in type, and the whole will probably be ready for issue early in 1910.

For the year 1909-1910 the books to be issued are—

1. *Miscellaneous Narratives relating to the '45*, edited by Mr. W. B. Blaikie. These are all transcribed and ready for press.

2. *Selections from the Household Books of Lady Grisell Baillie*, edited by Mr. R. Scott-Moncrieff, W.S.

3. *Correspondence of James, fourth Earl of Findlater and first Earl of Seafield*, Lord Chancellor of Scotland at the time of the Union; edited from the originals at Cullen House by Mr. James Grant, M.A., LL.B., Solicitor and County Clerk, Banff. This collection, which is distinct from that reported on by the Historical MSS. Commissioners in 1894, is rich in matters of interest. By omitting whatever is of merely private concern, it is believed that the whole can be brought within the compass of two volumes, the first of which, extending from 1689 to 1710, will be issued for the incoming year.

The Council recommends that the first series of the Society's publications shall terminate with the issue for 1908-1909: and that a second series shall begin with the issue for 1909-

1910. The size and form of the volumes of the second series to be the same as those of the first.

There are four vacancies in the Council to be filled up, caused by the death of Sir Arthur Mitchell, and by the retirement of Mr. G. M. Paul, D.K.S., Mr. Donald Crawford, K.C., and Mr. Ralph Richardson. It is recommended that the retiring Members be re-elected, and that the remaining vacancy be filled up by the election of Sheriff W. G. Scott-Moncrieff.

The Accounts of the Hon. Treasurer, of which an abstract is appended hereto, show that the balance in the Society's favour on 11th November 1908 was £345, 10s. 9d., the income for 1908-1909 £522, 3s. 3d., the expenditure £395, 12s. 11d., and the credit balance on 10th November 1909 £472, 1s. 1d.

On the motion of the Chairman, who pointed out the satisfactory position of the Society, and the importance of the issue of a new series, seconded by Mr. W. K. Dickson, Advocate, the Report was adopted; and on the motion of Mr. John Trail, LL.D., a vote of thanks was given to the Chairman.

ABSTRACT OF THE HON. TREASURER'S ACCOUNTS

For the Year ending 10th November 1909

I. CHARGE.

I. Balance from previous year—						
(1) In Bank on Deposit Receipt,	£300	0	0			
(2) In Bank on Current Account,	45	10	9			
				£345	10	9
II. Subscriptions, viz.—						
(1) 400 subscriptions for 1908-9,	£420	0	0			
10 in arrear for 1907-1908, .	10	10	0			
2 in advance for 1909-1910, ...	2	2	0			
	£432	12	0			
Less 17 in arrear and 2 in advance for 1908-1909,	19	19	0			
				412	13	0
(2) 88 Libraries, . . .	£92	8	0			
1 in arrear for 1907-1908, .	1	1	0			
	£93	9	0			
Less 2 in arrear and 1 in advance for 1908-1909, .	3	3	0			
				90	6	0
III. Copies of previous issues sold to New Members,				12	1	6
IV. Interest on Deposit Receipts, ...				7	2	9
Sum of Charge, . .				£867	14	0

II. Discharge.

I. *Incidental Expenses*—

(1) Printing Cards, Circulars, and Reports, ...	£9	7	3			
(2) Stationery and Receipt Books,	2	2	6			
(3) Making-up and delivering Publications, . . .	25	16	0			
(4) Postages of Secretaries and Treasurer, ...	4	12	10			
(5) Clerical Work and Charges on Cheques, ...	2	13	6			
(6) Hire of Rooms for Annual Meeting, ...	1	6	0			
				£45	18	1

II. *Forfeited Estates Papers*—

Composition, Printing, and Paper, ...	£90	14	6			
Proofs and Corrections, . .	25	18	0			
Cutting Binding Stamps, .	1	1	0			
Transcribing, ...	5	3	0			
Indexing, ...	8	8	0			
Binding 525 copies, . .	17	10	0			
	£148	14	6			
Less paid to account Oct. 1908,	92	16	6			
				55	18	0

III. *Records of the Commissions of Assemblies*—

Composition, Printing, and Paper, ...	£123	19	0			
Proofs and Corrections, . .	54	8	0			
Indexing, ...	7	7	0			
Binding 530 copies, . .	17	13	4			
	£203	7	4			
Less paid to account Oct. 1907 and Oct. 1908, . . .	183	5	0			
				20	2	4
Carry forward, ...				£121	18	5

Brought forward, . . .				£121	18	5
IV. *The Scots in Poland—*						
Composition—Expense to date,	£72	1	0			
Corrections, ...	12	16	0			
Engraving Map, . . .	5	5	0			
	£90	2	0			
Less paid to account Oct. 1908,	77	17	0			
				12	5	0
V. *Archibald Johnston, Lord Wariston—Diary, Etc.—*						
Diary: Composition—Expense to date, ...	£52	18	0			
„ Corrections, . .	15	16	6			
„ Transcribing, . .	25	7	0			
Memento Quamdiu Vivas: Composition—Proof, . . .	0	16	0			
	£94	17	6			
Less paid to account Oct. 1908,	3	18	0			
				90	19	6
VI. *De Unione Regnorum Britanniæ—*						
Composition, Printing, and Paper, ...	£90	14	0			
Corrections, ...	54	12	0			
Revision of Translation, . .	10	10	0			
Collation of Text, . . .	7	7	0			
Indexing, ...	7	7	0			
				170	10	0
VII. *Balance to next account—*						
(1) On Deposit Receipt, . .	£400	0	0			
(2) On Current Account, . .	72	1	1			
				472	1	1
Sum of Discharge, .				£867	14	0

EDINBURGH, *22nd November* 1909.—Having examined the Accounts of the Hon. Treasurer of the Scottish History Society for the year ending 10th November 1909, of which the foregoing is an Abstract, we find the same to be correctly stated and sufficiently vouched, closing with a balance of £472, 1s. 1d. in Bank, whereof £400 is on Deposit Receipt, and £72, 1s. 1d. is on Current Account.

RALPH RICHARDSON, *Auditor.*
WM. TRAQUAIR DICKSON, *Auditor.*

Scottish History Society.

THE EXECUTIVE.

1908-1909.

President.

The Earl of Rosebery, K.G., K.T., LL.D.

Chairman of Council.

Right Rev. John Dowden, D.D., LL.D., Bishop of Edinburgh.

Council.

P. Hume Brown, M.A., LL.D., Professor of Ancient History and Palæography in the University of Edinburgh.
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Sir James Balfour Paul, LL.D., Lyon King of Arms.
The Hon. Lord Guthrie.
Walter B. Blaikie.
G. M. Paul, D.K.S.
Donald Crawford, K.C.
Ralph Richardson, W.S.

Corresponding Members of the Council.

Prof. C. H. Firth, LL.D., Oxford; Rev. W. D. Macray, Ducklington Rectory, Witney, Oxon.; Prof. C. Sanford Terry, Aberdeen.

Hon. Treasurer.

J. T. Clark, Crear Villa, 196 Ferry Road, Edinburgh.

Joint Hon. Secretaries.

J. Maitland Thomson, LL.D., Advocate, 3 Grosvenor Gardens, Edinburgh.
A. Francis Steuart, Advocate, 79 Great King Street, Edinburgh.

RULES

1. The object of the Society is the discovery and printing, under selected editorship, of unpublished documents illustrative of the civil, religious, and social history of Scotland. The Society will also undertake, in exceptional cases, to issue translations of printed works of a similar nature, which have not hitherto been accessible in English.

2. The number of Members of the Society shall be limited to 400.

3. The affairs of the Society shall be managed by a Council, consisting of a Chairman, Treasurer, Secretary, and twelve elected Members, five to make a quorum. Three of the twelve elected Members shall retire annually by ballot, but they shall be eligible for re-election.

4. The Annual Subscription to the Society shall be One Guinea. The publications of the Society shall not be delivered to any Member whose Subscription is in arrear, and no Member shall be permitted to receive more than one copy of the Society's publications.

5. The Society will undertake the issue of its own publications, *i.e.* without the intervention of a publisher or any other paid agent.

6. The Society will issue yearly two octavo volumes of about 320 pages each.

7. An Annual General Meeting of the Society shall be held at the end of October, or at an approximate date to be determined by the Council.

8. Two stated Meetings of the Council shall be held each year, one on the last Tuesday of May, the other on the Tuesday preceding the day upon which the Annual General Meeting shall be held. The Secretary, on the request of three Members of the Council, shall call a special meeting of the Council.

9. Editors shall receive 20 copies of each volume they edit for the Society.

10. The owners of Manuscripts published by the Society will also be presented with a certain number of copies.

11. The Annual Balance-Sheet, Rules, and List of Members shall be printed.

12. No alteration shall be made in these Rules except at a General Meeting of the Society. A fortnight's notice of any alteration to be proposed shall be given to the Members of the Council.

PUBLICATIONS

OF THE

SCOTTISH HISTORY SOCIETY

For the year 1886-1887.

1. Bishop Pococke's Tours in Scotland, 1747-1760. Edited by D. W. Kemp.

2. Diary and Account Book of William Cunningham of Craigends, 1673-1680. Edited by the Rev. James Dodds, D.D.

For the year 1887-1888.

3. Grameidos libri sex: an heroic poem on the Campaign of 1689, by James Philip of Almerieclose. Translated and Edited by the Rev. A. D. Murdoch.

4. The Register of the Kirk-Session of St. Andrews. Part I. 1559-1582. Edited by D. Hay Fleming.

For the year 1888-1889.

5. Diary of the Rev. John Mill, Minister in Shetland, 1740-1803. Edited by Gilbert Goudie.

6. Narrative of Mr. James Nimmo, a Covenanter, 1654-1709. Edited by W. G. Scott-Moncrieff.

7. The Register of the Kirk-Session of St. Andrews. Part II. 1583-1600. Edited by D. Hay Fleming.

For the year 1889-1890.

8. A List of Persons concerned in the Rebellion (1745). With a Preface by the Earl of Rosebery.

   Presented to the Society by the Earl of Rosebery.

9. Glamis Papers: The 'Book of Record,' a Diary written by Patrick, first Earl of Strathmore, and other documents (1684-89). Edited by A. H. Millar.

10. John Major's History of Greater Britain (1521). Translated and edited by Archibald Constable.

For the year 1890-1891.

11. The Records of the Commissions of the General Assemblies, 1646-47. Edited by the Rev. Professor Mitchell, D.D., and the Rev. James Christie, D.D.
12. Court-Book of the Barony of Urie, 1604-1747. Edited by the Rev. D. G. Barron.

For the year 1891-1892.

13. Memoirs of Sir John Clerk of Penicuik, Baronet. Extracted by himself from his own Journals, 1676-1755. Edited by John M. Gray.
14. Diary of Col. the Hon. John Erskine of Carnock, 1683-1687. Edited by the Rev. Walter Macleod.

For the year 1892-1893.

15. Miscellany of the Scottish History Society, First Volume—The Library of James vi., 1573-83. Edited by G. F. Warner.—Documents illustrating Catholic Policy, 1596-98. T. G. Law.—Letters of Sir Thomas Hope, 1627-46. Rev. R. Paul.—Civil War Papers, 1643-50. H. F. Morland Simpson.—Lauderdale Correspondence, 1660-77. Right Rev. John Dowden, D.D.—Turnbull's Diary, 1657-1704. Rev. R. Paul.—Masterton Papers, 1660-1719. V. A. Noël Paton.—Accompt of Expenses in Edinburgh, 1715. A. H. Millar.—Rebellion Papers, 1715 and 1745. H. Paton.
16. Account Book of Sir John Foulis of Ravelston (1671-1707). Edited by the Rev. A. W. Cornelius Hallen.

For the year 1893-1894.

17. Letters and Papers illustrating the Relations between Charles ii. and Scotland in 1650. Edited by Samuel Rawson Gardiner, D.C.L., etc.
18. Scotland and the Commonwealth. Letters and Papers relating to the Military Government of Scotland, Aug. 1651-Dec. 1653. Edited by C. H. Firth, M.A.

For the year 1894-1895.

19. The Jacobite Attempt of 1719. Letters of James, second Duke of Ormonde. Edited by W. K. Dickson.

20, 21. The Lyon in Mourning, or a Collection of Speeches, Letters, Journals, etc., relative to the Affairs of Prince Charles Edward Stuart, by Bishop Forbes. 1746-1775. Edited by Henry Paton. Vols. i. and ii.

For the year 1895-1896.

22. The Lyon in Mourning. Vol. iii.
23. Itinerary of Prince Charles Edward (Supplement to the Lyon in Mourning). Compiled by W. B. Blaikie.
24. Extracts from the Presbytery Records of Inverness and Dingwall from 1638 to 1688. Edited by William Mackay.
25. Records of the Commissions of the General Assemblies (*continued*) for the years 1648 and 1649. Edited by the Rev. Professor Mitchell, D.D., and Rev. James Christie, D.D.

For the year 1896-1897.

26. Wariston's Diary and other Papers—

    Johnston of Wariston's Diary, 1639. Edited by G. M. Paul.—The Honours of Scotland, 1651-52. C. R. A. Howden.—The Earl of Mar's Legacies, 1722, 1726. Hon. S. Erskine.—Letters by Mrs. Grant of Laggan. J. R. N. Macphail.

    Presented to the Society by Messrs. T. and A. Constable.
27. Memorials of John Murray of Broughton, 1740-1747. Edited by R. Fitzroy Bell.
28. The Compt Buik of David Wedderburne, Merchant of Dundee, 1587-1630. Edited by A. H. Millar.

For the year 1897-1898.

29, 30. The Correspondence of De Montereul and the brothers De Bellièvre, French Ambassadors in England and Scotland, 1645-1648. Edited, with Translation, by J. G. Fotheringham. 2 vols.

For the year 1898-1899.

31. Scotland and the Protectorate. Letters and Papers relating to the Military Government of Scotland, from January 1654 to June 1659. Edited by C. H. Firth, M.A.
32. Papers illustrating the History of the Scots Brigade in the Service of the United Netherlands, 1572-1782. Edited by James Ferguson. Vol. i. 1572-1697.

33, 34. Macfarlane's Genealogical Collections concerning Families in Scotland; Manuscripts in the Advocates' Library. 2 vols. Edited by J. T. Clark, Keeper of the Library.

Presented to the Society by the Trustees of the late Sir William Fraser, K.C.B.

For the year 1899-1900.

35. Papers on the Scots Brigade in Holland, 1572-1782. Edited by James Ferguson. Vol. ii. 1698-1782.
36. Journal of a Foreign Tour in 1665 and 1666, etc., by Sir John Lauder, Lord Fountainhall. Edited by Donald Crawford.
37. Papal Negotiations with Mary Queen of Scots during her Reign in Scotland. Chiefly from the Vatican Archives. Edited by the Rev. J. Hungerford Pollen, S.J.

For the year 1900-1901.

38. Papers on the Scots Brigade in Holland, 1572-1782. Edited by James Ferguson. Vol. iii.
39. The Diary of Andrew Hay of Craignethan, 1659-60. Edited by A. G. Reid, F.S.A.Scot.

For the year 1901-1902.

40. Negotiations for the Union of England and Scotland in 1651-53. Edited by C. Sanford Terry.
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